

federal register

FRIDAY, NOVEMBER 12, 1976



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The six-month trial period ended August 6. The program is being continued on a voluntary basis (see OFR notice, 41 FR 32914, August 6, 1976). The following agencies have agreed to remain in the program:

Monday	Tuesday	Wednesday	Thursday	Friday
NRC	USDA/ASCS		NRC	USDA/ASCS
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DOT/OPSO	LABOR		DOT/OPSO	LABOR
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Documents normally scheduled on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this program are still invited. Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

ATTENTION: For questions, corrections, or requests for information please see the list of telephone numbers appearing on opposite page.

federal register

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Area Code 202



Published daily, Monday through Friday (no publication on Saturdays, Sundays, or on official Federal holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C., Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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INFORMATION AND ASSISTANCE

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"THE FEDERAL REGISTER—WHAT IT IS AND HOW TO USE IT"

Weekly Briefings at the Office of the
Federal Register

(For Details, See 41 FR 46527, Oct. 21, 1976)

RESERVATIONS: JANET SOREY, 523-5282

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The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Department of the Interior

Section 213.3312 is amended to reflect the following title changes: From Special Assistant to the Assistant Secretary (Management) to Special Assistant to the Assistant Secretary—Administration and Management; and from Confidential Assistant to the Assistant Secretary (Management) to Confidential Assistant to the Assistant Secretary—Administration and Management.

Effective on November 12, 1976, §§ 213.3312 (a) (30) and (a) (31) are amended as set out below:

§ 213.3312 Department of the Interior.

(a) Office of the Secretary. * * *

(30) One Special Assistant to the Assistant Secretary—Administration and Management.

(31) One Confidential Assistant to the Assistant Secretary—Administration and Management.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954-1958 Comp., p. 218.)

UNITED STATES CIVIL SERVICE COMMISSION,

JAMES C. SPRY,
Executive Assistant
to the Commissioners.

[FR Doc.76-33467 Filed 11-11-76; 8:45 am]

PART 213—EXCEPTED SERVICE

Administrative Office of the United States Courts

Section 213.3372 is amended to show that the position of Legislative Liaison Officer in the Administrative Office of the United States Courts is excepted under Schedule C.

Effective on November 12, 1976, § 213.3372(a) is added as set out below:

§ 213.3372 Administrative Office of the United States Courts.

(a) One Legislative Liaison Officer.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954-1958 Comp., p. 218.)

UNITED STATES CIVIL SERVICE COMMISSION,

JAMES C. SPRY,
Executive Assistant
to the Commissioners.

[FR Doc.76-33466 Filed 11-11-76; 8:45 am]

Title 9—Animals and Animal Products

CHAPTER I—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS

PART 73—SCABIES IN CATTLE

Area Quarantined

This amendment quarantines a portion of Pinal County in Arizona because of the existence of cattle scabies. The restrictions pertaining to the interstate movement of cattle from quarantined areas as contained in 9 CFR Part 73, as amended, will apply to the area quarantined.

Accordingly, Part 73, Title 9, Code of Federal Regulations, as amended, restricting the interstate movement of cattle because of scabies is hereby amended as follows:

In § 73.1a, a new paragraph (c) relating to the State of Arizona is added to read:

§ 73.1a Notice of quarantine.

(c) Notice is hereby given that cattle in certain portions of the State of Arizona are affected with scabies, a contagious, infectious, and communicable disease; and, therefore, the following area in such State is hereby quarantined because of said disease:

That portion of Pinal County comprised of sec. 13, T. 10 S., R. 9 E., lying north of Sasco Road.

(Secs. 4-7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791-792, as amended; secs. 1-4, 33 Stat. 1264, 1265, as amended; secs. 3 and 11, 76 Stat. 130, 132 (21 U.S.C. 111-113, 115, 117, 120, 121, 123-126, 134b, 134f); 37 FR 28464, 28477; 38 FR 19141.)

Effective date: The foregoing amendment shall become effective November 5, 1976.

The amendment imposes certain further restrictions necessary to prevent the interstate spread of cattle scabies and must be made effective immediately to accomplish its purpose in the public interest. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and

contrary to the public interest, and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, DC, this 5th day of November 1976.

The Animal and Plant Health Inspection Service has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

J. M. HEJL,
Deputy Administrator,
Veterinary Services.

[FR Doc.76-33077 Filed 11-11-76; 8:45 am]

CHAPTER III—ANIMAL AND PLANT HEALTH INSPECTION SERVICE (MEAT AND POULTRY PRODUCTS INSPECTION), DEPARTMENT OF AGRICULTURE

SUBCHAPTER C—MANDATORY POULTRY PRODUCTS INSPECTION

PART 381—POULTRY PRODUCTS INSPECTION REGULATIONS

Subpart V—Special Provisions for Designated States and Territories: Criteria and Procedure for Designating Establishments With Operations Which Would Clearly Endanger the Public Health; Disposition of Poultry Products Therein

DESIGNATION OF THE STATES OF ARKANSAS, GEORGIA, IDAHO, MAINE, MICHIGAN, SOUTH DAKOTA, UTAH, AND WEST VIRGINIA UNDER THE POULTRY PRODUCTS INSPECTION ACT FOR SPECIAL PURPOSES

• **Purpose.** The purpose of this document is to notify the public that the Secretary of Agriculture hereby designates the States of Arkansas, Georgia, Idaho, Maine, Michigan, South Dakota, Utah, and West Virginia under section 11(e) of the Poultry Products Inspection Act.

• **Statement of considerations.** Sections 11 (b), (c), and (d) of the Poultry Products Inspection Act (21 U.S.C. 460 (b), (c), and (d)) provide for recordkeeping, access, and related requirements; registration requirements; and regulation of transactions involving dead, dying, disabled, or diseased poultry, or parts of the carcasses of such poultry that died otherwise than by slaughter, with respect to operators engaged in specified classes of business in or for "commerce" as defined in the Act.

Section 11(e) of the Poultry Products Inspection Act (21 U.S.C. 460(e)) authorizes the Secretary of Agriculture to exercise the authorities under the aforementioned sections with respect to persons,

firms and corporations engaged in the specified kinds of business but not in or for "commerce" in any State or organized Territory when he determines, after consultation with an appropriate advisory committee, that the State or Territory does not have at least equal authority under its laws or is not exercising such authority in a manner to effectuate the purposes of the Act.

The Secretary, after consultation with the appropriate advisory committee, has now determined that said States are not exercising, in a manner to effectuate the purposes of the said Act, with respect to intrastate businesses, authorities at least equal to those under sections 11(b), (c), and (d) of the Poultry Products Inspection Act, including the Secretary or his representative being afforded access to such places of business and the facilities, inventories, and records thereof. Therefore, said States are hereby designated under section 11(e) of the Poultry Products Inspection Act for the exercise of the specified authorities with respect to intrastate businesses, and hereafter sections 11(b), (c), and (d) of the Poultry Products Inspection Act shall apply as hereinafter provided, to persons, firms, and corporations engaged in the kinds of business specified in said sections, but not in or for commerce, to the same extent and in the same manner as if they were engaged in such business in or for commerce and the transactions involved were in commerce.

Language is added to the table in § 381.224 of the poultry products inspection regulations (9 CFR 381.224) to include in the list of "Classes of operators", operators engaged, other than in or for commerce, in the business of buying, selling, or transporting any dead, dying, disabled or diseased poultry, or parts or carcasses of any poultry that died otherwise than by slaughter. This is necessary because this document includes designations with respect to section 11(d) of the Poultry Products Inspection Act (21 U.S.C. 460(d)) involving such a class of operators.

Accordingly, § 381.224 of the poultry products inspection regulations (9 CFR 381.224) is amended by adding language next to the reference to "Act, 11(d); § 381.194" and under the heading "Classes of operators" as follows:

§ 381.224 Designation of States under section 11 of the Act; application of sections of the Act and the regulations.

Paragraphs of act and regulations	Classes of operators	State	Effective date
Act, 11(d); sec. 381.194.	Persons engaged (not in or for commerce) in the business of buying, selling, or transporting any dead, dying, disabled or diseased poultry, or parts or carcasses of any poultry that died otherwise than by slaughter.		

Further, the table in § 381.224 of the poultry products inspection regulations (9 CFR 381.224) is amended as follows:

1. In the "State" column, "Arkansas, Georgia, Idaho, Maine, Michigan, South Dakota, Utah, and West Virginia" are added in alphabetical order in all three places.

2. In the "Effective date" column, "November 12, 1976" is added on the line with "Arkansas, Georgia, Idaho, Maine, Michigan, South Dakota, Utah, and West Virginia" in all three places.

(Secs. 11(e), 14, 71 Stat. 441, as amended, 82 Stat. 791, (21 U.S.C. 460(e), 463); 37 FR 28464, 28477.)

These amendments of the regulations are necessary to reflect the determinations of the Secretary of Agriculture under section 11(e) of the Poultry Products Inspection Act, and to effectuate the purposes of the Act by affording representatives of the Secretary of Agriculture access to places of business engaged in intrastate activities and to otherwise facilitate the enforcement of the Act. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Secretary. Therefore, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that such public procedure is impracticable and unnecessary and good cause is found for making these amendments effective less than 30 days after publication in the FEDERAL REGISTER.

The amendments and the notice given hereby shall become effective November 12, 1976.

NOTE.—The Animal and Plant Health Inspection Service has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

Done at Washington, D.C., on November 9, 1976.

R. P. JONES,
Acting Administrator, Animal
and Plant Health Inspection
Service.

[FR Doc.76-33481 Filed 11-11-76;8:45 am]

Title 13—Business Credit and Assistance

CHAPTER I—SMALL BUSINESS ADMINISTRATION

[Rev. 9, Amdt. 8]

PART 123—DISASTER LOANS

Small Businesses Engaged in Farming and Related Activities Under Existing Programs

Pursuant to authority cited below, § 123.0 of Part 123 of Chapter I, Title 13 of the Code of Federal Regulations is amended by adding a new paragraph (c) thereto, as hereinafter set forth.

Information and effective date. Pub. L. 94-305, approved on June 4, 1976, 90 Stat. 663, et seq., amended various provisions of the Small Business Act and authorized SBA to assist small businesses engaged in farming and related activities under existing programs. In September 1976, a Memorandum of Understanding was entered into between SBA and the United

States Department of Agriculture, Farmers Home Administration (FmHA) which set forth the guidelines under which these agencies will operate. An amendment to Part 120 of this chapter incorporated the Memorandum of Understanding as part of SBA's rules and regulations. (41 FR 44856.)

The purpose of this new § 123.0(c) is to make clear to the public and prospective applicants for Federal assistance that the product disaster loan program set forth in § 123.2(a) and the economic injury loan programs set forth in § 123.2(b) of this part will be administered under the September 1976 Memorandum of Understanding between SBA and FmHA. The physical disaster loans and the related economic injury loans, set forth in § 123.2(a), are administered under a separate Memorandum of Understanding between SBA and FmHA, and such Memorandum is being amended to conform to Pub. L. 94-305 and will be published in this part.

Since this regulatory amendment will implement the statutory amendment and is not subject to public comment, it is not necessary or appropriate to delay its effective application by soliciting public comment. Interested persons, however, are invited to send comments, in triplicate, to the Associate Administrator for Finance and Investment, Small Business Administration, 1441 "L" Street, NW., Washington, D.C. 20416.

The new amendment § 123.0(c) of Part 123 is herewith adopted as follows:

§ 123.0 Explanation of regulations.

(c) Except where inconsistent with other provisions of this part, product disaster loans set forth in § 123.2(a) and those loans set forth in § 123.2(b) shall be administered under the Memorandum of Understanding between SBA and FmHA published as Appendix "A" to Part 120 of this chapter.

In view of the fact that this amendment carries out the statutory mandate of Pub. L. 94-305, and pursuant to the authority granted by section 5(b)(6) of the Small Business Act, 15 U.S.C. 634 the amendment set forth above is effective June 4, 1976.

Dated: November 3, 1976.

(Catalog of Federal Domestic Assistance Programs No. 59.001, 59.008, 59.010, 59.020, 59.022, 59.023, and 59.024.)

MITCHELL P. KOBELINSKI,
Administrator.

[FR Doc.76-33276 Filed 11-11-76;8:45 am]

Title 20—Employees' Benefits

CHAPTER VIII—JOINT BOARD FOR THE ENROLLMENT OF ACTUARIES

PART 901—REGULATIONS GOVERNING THE PERFORMANCE OF ACTUARIAL SERVICES UNDER THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974

Subpart B—Enrollment of Actuaries

PROCEDURES AND REQUIREMENTS

By a notice of proposed rule making appearing in the FEDERAL REGISTER for

Tuesday, May 18, 1976 (41 FR 20424), proposed rules establishing requirements for eligibility to perform actuarial services under the Employee Retirement Income Security Act of 1974 on or after January 1, 1976 were published. After consideration of all such relevant matter as was presented by interested persons regarding the proposed rules, the rules as proposed are hereby adopted, subject to the changes set forth below.

Under § 901.13(e)(1)(v) of the proposed rules, an applicant could have been denied enrollment if he or she had been disbarred or suspended from practice as an actuary, attorney, certified public accountant or public accountant by any duly constituted authority of any state, possession, territory, Commonwealth, the District of Columbia or by any Federal Court of record. The provision has been expanded in the final regulations to include all individuals who have been enrolled to practice before the Internal Revenue Service pursuant to 31 CFR Part 10, and also to include all individuals who have been disbarred or suspended from practice by the Department of the Treasury.

The preamble to the proposed rules states that the examinations of actuarial organizations referred to in § 901.12(c)(2) and (d)(2) of the proposed regulations would be deemed to meet either the basic or pension actuarial knowledge requirement for enrollment if such examinations were deemed by the Joint Board to be "equivalent to" its examinations. The quoted language elicited a number of comments to the effect that it reflected a different standard than the adequacy standard of section 3042(a)(1)(C) of ERISA. No difference was intended, and it is emphasized that the proctored examinations of actuarial organizations which qualify under § 901.13(c)(2) and (d)(2) of the rules, will meet the requirements of those rules if such examinations are deemed adequate by the Joint Board as provided by section 3042(a)(1)(C) of ERISA.

Accordingly, § 901.13 of 20 CFR Part 901, is adopted as set forth below.

Effective date: These regulations shall become effective November 12, 1976.

The Joint Board for the Enrollment of Actuaries has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

Dated: November 8, 1976.

ROWLAND E. CROSS,
Chairman, Joint Board for the
Enrollment of Actuaries.

Approved:

W. J. USERY, Jr.,
Secretary of Labor.

WILLIAM E. SIMON,
Secretary of Treasury.

Section 901.13 is added as follows:

§ 901.13 Eligibility for enrollment of individuals applying for enrollment on or after January 1, 1976.

(a) In general. An individual applying on or after January 1, 1976, to be an en-

rolled actuary, must fulfill the experience requirement of paragraph (b) of this section, the basic actuarial knowledge requirement of paragraph (c) of this section, and the pension actuarial knowledge requirement of paragraph (d) of this section.

(b) *Qualifying experience.* Within a 10 year period immediately preceding the date of application, the applicant shall have completed either:

(1) A minimum of 36 months of responsible pension actuarial experience, or

(2) A minimum of 60 months of responsible actuarial experience, including at least 18 months of responsible pension actuarial experience.

(c) *Basic actuarial knowledge.* The applicant shall demonstrate knowledge of basic actuarial mathematics and methodology by one of the following:

(1) *Joint Board basic examination.* Successful completion, to a score satisfactory to the Joint Board, of an examination, prescribed by the Joint Board, in basic actuarial mathematics and methodology including compound interest, principles of life contingencies, commutation functions, multiple-decrement functions, and joint life annuities.

(2) *Organization basic examinations.* Successful completion, to a score satisfactory to the Joint Board, of one or more proctored examinations which are given by an actuarial organization and which the Joint Board has determined cover substantially the same subject areas, have at least a comparable level of difficulty, and require at least the same competence as the Joint Board basic examination referred to in paragraph (c)(1) of this section.

(3) *Qualifying formal education.* Receipt of a bachelor's or higher degree from an accredited college or university after the satisfactory completion of a course of study:

(i) In which the major area of concentration was actuarial mathematics, or

(ii) Which included at least as many semester hours or quarter hours each in mathematics, statistics, actuarial mathematics and other subjects as the Board determines represent equivalence to paragraph (c)(3)(i) of this section.

(d) *Pension actuarial knowledge.* The applicant shall demonstrate pension actuarial knowledge by one of the following:

(1) *Joint Board pension examination.* Successful completion, to a score satisfactory to the Joint Board, of an examination, prescribed by the Joint Board, in actuarial mathematics and methodology relating to pension plans, including the provisions of ERISA relating to the minimum funding requirements and allocation of assets on plan termination.

(2) *Organization pension examinations.* Successful completion, to a score satisfactory to the Joint Board, of one or more proctored examinations which are given by an actuarial organization and which the Joint Board has determined cover substantially the same subject areas, have at least a comparable level of difficulty, and require at least the same competence as the Joint Board

pension examination referred to in paragraph (d)(1) of this section.

(e) *Denial of enrollment.* An applicant may be denied enrollment if:

(1) The Joint Board finds that the applicant, during the 15-year period immediately preceding the date of application and on or after the applicant's eighteenth birthday has engaged in disreputable conduct. The term disreputable conduct includes, but is not limited to:

(i) An adjudication, decision, or determination by a court of law, a duly constituted licensing or accreditation authority (other than the Joint Board), or by any federal or state agency, board, commission, hearing examiner, administrative law judge, or other official administrative authority, that the applicant has engaged in conduct evidencing fraud, dishonesty or breach of trust.

(ii) Giving false or misleading information, or participating in any way in the giving of false or misleading information, to the Department of the Treasury or the Department of Labor or any officer or employee thereof in connection with any matter pending or likely to be pending before them, knowing such information to be false or misleading.

(iii) Willfully failing to make a federal tax return in violation of the revenue laws of the United States, or evading, attempting to evade, or participating in any way in evading or attempting to evade any federal tax or payment thereof, knowingly counseling or suggesting to a client or prospective client an illegal plan to evade federal taxes or payment thereof, or concealing assets of himself or another to evade federal taxes or payment thereof.

(iv) Directly or indirectly attempting to influence, or offering or agreeing to attempt to influence, the official action of any officer or employee of the Department of the Treasury or the Department of Labor by the use of threats, false accusations, duress or coercion, by the offer of any special inducement or promise of advantage or by the bestowing of any gift, favor, or thing of value.

(v) Disbarment or suspension from practice as an actuary, attorney, certified public accountant, public accountant, or an enrolled agent by any duly constituted authority of any state, possession, territory, Commonwealth, the District of Columbia, by any Federal Court of record, or by the Department of the Treasury.

(vi) Contemptuous conduct in connection with matters before the Department of the Treasury, or the Department of Labor, including the use of abusive language, making false accusations and statements knowing them to be false, or circulating or publishing malicious or libelous matter.

(2) The applicant has been convicted of any of the offenses referred to in section 411 of ERISA.

(3) The applicant has submitted false or misleading information on an application for enrollment to perform actuarial services or in any oral or written information submitted in connection therewith or in any report presenting actuarial information to any person.

knowing the same to be false or misleading.

[FR Doc. 76-33264 Filed 11-11-76; 8:45 am]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER E—ANIMAL DRUGS, FEEDS, AND RELATED PRODUCTS

PART 555—CHLORAMPHENICOL DRUGS FOR ANIMAL USE

Oral Dosage Forms; Chloramphenicol Palmitate Oral Suspension

The Food and Drug Administration approves a supplemental new animal drug application (55-047V) filed by Parke, Davis & Co., Joseph Campau Ave. at the River, Detroit, MI 48232, proposing safe and effective use of chloramphenicol palmitate oral suspension for dogs for treating bacterial pulmonary infections, infections of the urinary tract, enteritis, and infections associated with canine distemper that are caused by susceptible organisms. The approval is effective November 12, 1976.

The Commissioner is amending Part 555 to reflect this approval.

In accordance with § 514.11(e) (2) (ii) (21 CFR 514.11(e) (2) (ii)) of the animal drug regulations, a summary of the safety and effectiveness data and information submitted to support the approval of this application is released publicly. The summary is available for public examination at the office of the Hearing Clerk, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857, Monday through Friday from 9 a.m. to 4 p.m., except on Federal legal holidays.

(Sec. 512(i) and (n), 82 Stat. 347, 350-351 (21 U.S.C. 360b(1) and (n)), and under authority delegated to the Commissioner (21 CFR 5.1) (recodification published in the FEDERAL REGISTER of June 15, 1976 (41 FR 24262)).

Part 555 is amended by adding to Subpart A new § 555.111 to read as follows:

§ 555.111 Chloramphenicol palmitate oral suspension.

(a) *Requirements for certification—*
(1) *Standards of identity, strength, quality, and purity.* Chloramphenicol palmitate oral suspension is chloramphenicol palmitate and one or more suitable and harmless buffer substances, suspending agents, preservatives, colorings, and flavorings suspended in a suitable and harmless vehicle. Each milliliter contains 31.25 milligrams of chloramphenicol. Its potency is satisfactory if it is not less than 90 percent and not more than 120 percent of the amount of chloramphenicol that it is represented to contain. Its pH is not less than 4.5 or more than 7.0. Its content of polymorph A crystals does not exceed 10 percent. The chloramphenicol palmitate used conforms to the standards prescribed by § 455.11(a) (1) of this chapter.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 510.55 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 514.50 of this chapter, each such request shall contain:

(i) Results of tests and assays on:
(a) The chloramphenicol palmitate used in making the batch for potency, safety, melting range, specific rotation, and crystallinity.

(b) The batch for potency, pH, and content of polymorph A crystals.

(ii) Samples required:
(a) The chloramphenicol palmitate used in making the batch: 10 packages, each containing approximately 500 milligrams.

(b) The batch: A minimum of six immediate containers.

(b) *Tests and methods of assay—*(1) *Potency—*(i) *Preparation of chloramphenicol working standard solution.* Dissolve approximately 50 milligrams of the chloramphenicol working standard, accurately weighed, in a 100-milliliter volumetric flask with absolute ethyl alcohol. Fill to volume with absolute ethyl alcohol. Transfer 10.0 milliliters into a 250-

milliliter volumetric flask and fill to volume with absolute ethyl alcohol.

(ii) *Procedure.* Transfer an accurately measured amount of the suspension, equivalent to about 125 milligrams of chloramphenicol, to a separatory funnel. Add 10 milliliters of water; then extract completely with 25-milliliter portions of chloroform, allowing the layers to separate and filtering each successive chloroform extract through a pledget of cotton into a 250-milliliter volumetric flask; then add chloroform to volume; and mix. Pipette 4 milliliters of the clear chloroform solution into a 100-milliliter volumetric flask; dilute with ethyl alcohol to volume; and mix. Using a suitable spectrophotometer equipped with a 1.0-centimeter cell and a blank composed of 1.0 milliliter of chloroform, U.S.P. diluted to 25 milliliters with absolute ethyl alcohol, determine the absorbance of the chloroform working standard solution at 276 nanometers and that of the sample solution at 271 nanometers. Calculate the potency of the sample as follows:

Absorbance of sample X labeled potency per milliliter in milligrams

Absorbance of standard

Milligrams of chloramphenicol per milliliter =

(2) *pH.* Proceed as directed in § 436.202 of this chapter, using the undiluted sample.

(3) *Content of polymorph A crystal—*

(i) *Preparation of standards—*(a) *Standard containing 20 percent of polymorph A.* Prepare a thoroughly mixed, dry powder composed by weight of 1 part of polymorph A crystals of chloramphenicol palmitate and 4 parts of nonpolymorph A crystals of chloramphenicol palmitate.

(b) *Standard containing 10 percent of polymorph A.* Prepare a thoroughly mixed, dry powder composed by weight of 1 part of polymorph A crystals of chloramphenicol palmitate and 9 parts of nonpolymorph A crystals of chloramphenicol palmitate.

(ii) *Preparation of sample.* Place 20 milliliters of thoroughly mixed oral suspension into a 50-milliliter centrifuge tube. Add 20 milliliters of water and mix. Centrifuge for 10 to 15 minutes at a speed not less than 18,000 revolutions per minute. Decant the supernatant liquid. Wash the residue as follows: Add 2 milliliters of water to the residue, mix to make paste, add 18 milliliters of water, and mix thoroughly. Centrifuge, decant the supernatant liquid, and wash the residue two more times. Remove the washed residue from the centrifuge tube and dry it at least 14 hours in a vacuum desiccator at room temperature.

(iii) *Procedure.* Weigh 150 to 200 milligrams of liquid petrolatum into an agate mortar and add about 100 milligrams of standard or sample. Mix with a small spatula, and then mix thoroughly with a pestle until a uniform consistency is obtained. Adjust a suitable infrared spectrophotometer so that 100 percent transmittance is recorded over the range of 11.0 to 13.0 microns. Use two rock-salt plates as an absorption cell. Place a small

drop of the mull in the center of one of the plates. Gently put the other plate on the mull and slowly squeeze the plates together to spread the mull uniformly. Clamp the two plates firmly together in a metal cell holder. Examine the assembled cell by holding it up to the light. It should appear smooth and free of any air bubbles, and when placed in the instrument it should give a percent transmittance of 20 to 30 percent at 12.3 microns. Place the cell in the infrared spectrophotometer and record the absorption spectrum from 11.0 to 13.0 microns.

(iv) *Treatment of spectra—*(a) *Standard containing 20 percent of polymorph A.* Determine by inspection of the recorded spectrum the exact wavelengths of minimum absorption at approximately 11.3 and 12.65 microns; also, determine by inspection the exact wavelengths of maximum absorption at approximately 11.65 and 11.86 microns. In paragraph (b) (3) (iv) (b) of this section, references to these four nominal wavelengths are the exact wavelengths observed on the particular instrument being used.

(b) *Standard containing 10 percent of polymorph A.* Draw a straight baseline between the minima occurring at 11.3 and 12.65 microns. Draw straight lines at 11.65 and 11.86 microns intersecting both the recorded spectrum and the baseline. Obtain the corrected absorbances at 11.65 and 11.86 microns and calculate the absorbance ratios as follows:

$$\text{Absorbance ratio} = \frac{^{11.65} - ^{11.65}}{^{11.86} - ^{11.86}}$$

where:

^{11.65} = Absorbance value of recorded spectrum at 11.65 microns;

^{11.65} = Absorbance value at point of intersection of the 11.65-micron line with the baseline;

*11.86—Absorbance value of recorded spectrum at 11.86 microns;
 *11.86—Absorbance value at point of intersection of the 11.86-micron line with the baseline.

(c) *Sample.* Proceed as described in paragraph (b) (3) (iv) (b) of this section.

(v) *Results and evaluation.* The absorbance ratio of the sample must be greater than the absorbance ratio of the standard containing 10 percent of polymorph A.

(c) *Conditions of marketing—(1) Specifications.* The product complies with the requirements of paragraph (a) of this section.

(2) *Sponsor.* No. 000071 in § 510.600(c) of this chapter.

(3) *Conditions of use.* (i) It is used in dogs for the treatment of bacterial pulmonary infections, infections of the urinary tract, enteritis, and infections associated with canine distemper that are caused by organisms susceptible to chloramphenicol.

(ii) It is administered orally at a dosage of 25 milligrams per pound of body weight every 6 hours. If no response is obtained in 3 to 5 days, discontinue use and reevaluate diagnosis.

(iii) Not for use in animals that are raised for food production. Must not be used in meat, egg, or milk-producing animals. The length of time that residues persist in milk or tissues has not been determined.

(iv) Federal law restricts this drug to use by or on the order of a licensed veterinarian.

Effective date: This regulation shall be effective November 12, 1976.

(Sec. 512(1), 82 Stat. 347 (21 U.S.C. 360b (4)).)

Dated: November 1, 1976.

C. D. VAN HOUWELING,
 Director, Bureau of
 Veterinary Medicine.

[FR Doc. 76-32987 Filed 11-11-76; 8:45 am]

Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-2134]

PART 1916—CONSULTATION WITH LOCAL OFFICIALS

Changes Made in Determinations of the City of Kingsville, Texas, Base Flood Elevations

On June 25, 1976, at 41 FR 26417, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas. The list included Flood Insurance Rate Maps for portions of Kingsville.

The Federal Insurance Administration, after consultation with the Chief

Executive Officer of the community, has determined that it is appropriate to modify the base (100-year) flood elevations of some locations in Kingsville. These modified elevations are currently in effect and amend the Flood Insurance Rate Map, which was in effect prior to this determination. A revised rate map will be published as soon as possible. The modifications are made pursuant to section 206 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234) and are in accordance with the National Flood Insurance Act of 1968, as amended, (Title XIII of the Housing and Urban Development Act of 1968, Pub. L. 90-448) 42 U.S.C. 4001-4128, and 24 CFR Part 1916. For rating purposes, the new community number is 480424B, and must be used for all new policies and renewals.

Under the above-mentioned Acts of 1968 and 1973, the Administrator must develop criteria for flood plain management. In order for the community to continue participation in the National Flood Insurance Program, the community must use the modified elevations to carry out the flood plain management measures of the Program. These modified elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

From the date of this notice, any person has 90 days in which he can request through the community that the Federal Insurance Administrator reconsider the changes. Any request for reconsideration must be based on knowledge of changed conditions or new scientific or technical data. All interested parties are on notice that until the 90-day period elapses, the Administrator's new determination of elevations may itself be changed.

Any persons having knowledge or wishing to comment on these changes should immediately notify:

Mr. J. F. Garcia, City Manager, City of Kingsville, Post Office Box 1458, Kingsville, Texas 78363.

Also, at this location is the map showing the new base flood elevations. This map is a copy of the one that will be printed. The numerous changes made in the base flood elevations on the Kingsville Flood Insurance Rate Map make it administratively infeasible to publish in this notice all of the base flood elevations changes contained on the Kingsville map.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (38 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: October 13, 1976.

J. ROBERT HUNTER,
 Federal Insurance Administrator.

[FR Doc. 76-33358 Filed 11-11-76; 8:45 am]

[Docket No. FI-2134]

PART 1916—CONSULTATION WITH LOCAL OFFICIALS

Changes Made in Determinations of the City of Port Neches, Texas, Base Flood Elevations

On June 25, 1976, at 41 FR 26417, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas. The list included Flood Insurance Rate Maps for portions of Port Neches.

The Federal Insurance Administration, after consultation with the Chief Executive Officer of the community, has determined that it is appropriate to modify the base (100-year) flood elevations of some locations in Port Neches. These modified elevations are currently in effect and amend the Flood Insurance Rate Map, which was in effect prior to this determination. A revised rate map will be published as soon as possible. The modifications are made pursuant to section 206 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234) and are in accordance with the National Flood Insurance Act of 1968, as amended, (Title XIII of the Housing and Urban Development Act of 1968, Pub. L. 90-448) 42 U.S.C. 4001-4128, and 24 CFR Part 1916. For rating purposes, the new community number is 485500C, and must be used for all new policies and renewals.

Under the above-mentioned Acts of 1968 and 1973, the Administrator must develop criteria for flood plain management. In order for the community to continue participation in the National Flood Insurance Program, the community must use the modified elevations to carry out the flood plain management measures of the Program. These modified elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

From the date of this notice, any person has 90 days in which he can request through the community that the Federal Insurance Administrator reconsider the changes. Any request for reconsideration must be based on knowledge of changed conditions or new scientific or technical data. All interested parties are on notice that until the 90-day period lapses, the Administrator's new determination of elevations may itself be changed.

Any persons having knowledge or wishing to comment on these changes should immediately notify:

City Manager, City of Port Neches, 634 Avenue C, Port Neches, Texas 77651.

Also, at this location is the map showing the new base flood elevations. This map is a copy of the one that will be printed. The numerous changes made in the base flood elevations on the Port Neches Flood Insurance Rate Map make

it administratively infeasible to publish in this notice all of the base flood elevation changes contained on the Port Neches map.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: October 21, 1976.

J. ROBERT HUNTER,
Federal Insurance Administrator.

[FR Doc.76-33357 Filed 11-11-76; 8:45 am]

[Docket. No. FI-2134]

PART 1916—CONSULTATION WITH LOCAL OFFICIALS

Changes Made in Determinations of Texas City, Texas, Base Flood Elevations

On June 25, 1976, at 41 FR 26418, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas. The list included Flood Insurance Rate Maps for portions of Texas City, Texas.

The Federal Insurance Administration, after consultation with the Chief Executive Officer of the community, has determined that it is appropriate to modify the base (100-year) flood elevations of some locations in Texas City. These modified elevations are currently in effect and amend the Flood Insurance Rate Map, which was in effect prior to this determination. A revised rate map will be published as soon as possible. The modifications are made pursuant to section 206 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234) and are in accordance with the National Flood Insurance Act of 1968, as amended (Title XIII of the Housing and Urban Development Act of 1968, Pub. L. 90-448) 42 U.S.C. 4001-4128, and 24 CFR Part 1916. For rating purposes, the new community number is 485514B, and must be used for all new policies and renewals.

Under the above-mentioned Acts of 1968 and 1973, the Administrator must develop criteria for flood plain management. In order for the community to continue participation in the National Flood Insurance Program, the community must use the modified elevations to carry out the flood plain management measures of the Program. These modified elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

From the date of this notice, any person has 90 days in which he can request through the community that the Federal Insurance Administrator reconsider the changes. Any request for reconsideration must be based on knowledge of changed conditions or new scientific or technical data. All interested parties are on notice that until the 90-day period elapses, the

Administrator's new determination of elevations may itself be changed.

Any persons having knowledge or wishing to comment on these changes should immediately notify:

Mayor, City of Texas City, P.O. Box 2608,
Texas City, Texas 77590.

Also, at this location is the map showing the new base flood elevations. This map is a copy of the one that will be printed. The numerous changes made in the base flood elevations on the Texas City Flood Insurance Rate Map make it administratively infeasible to publish in this notice all of the base flood elevation changes contained on the Texas City map.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: October 13, 1976.

J. ROBERT HUNTER,
Federal Insurance Administrator.

[FR Doc.76-33356 Filed 11-11-76; 8:45 am]

[Docket. No. FI-2134]

PART 1916—CONSULTATION WITH LOCAL OFFICIALS

Changes Made in Determinations of the Town of South Kingstown, Rhode Island, Base Flood Elevations

On June 25, 1976, at 41 FR 26415, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas. The list included Flood Insurance Rate Maps for portions of South Kingstown.

The Federal Insurance Administration, after consultation with the Chief Executive Officer of the community, has determined that it is appropriate to modify the base (100-year) flood elevations of some locations in South Kingstown. These modified elevations are currently in effect and amend the Flood Insurance Rate Map, which was in effect prior to this determination. A revised rate map will be published as soon as possible. The modifications are made pursuant to section 206 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234) and are in accordance with the National Flood Insurance Act of 1968, as amended, (Title XIII of the Housing and Urban Development Act of 1968, Pub. L. 90-448) 42 U.S.C. 4001-4128, and 24 CFR Part 1916. For rating purposes, the new community number is 455407A, and must be used for all new policies and renewals.

Under the above-mentioned Acts of 1968 and 1973, the Administrator must develop criteria for flood plain management. In order for the community to continue participation in the National Flood Insurance Program, the community must use the modified elevations to carry out the flood plain management measures of the Program. These modified elevations will also be used to calculate the appropriate flood insurance premium

rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

From the date of this notice, any person has 90 days in which he can request through the community that the Federal Insurance Administrator reconsider the changes. Any request for reconsideration must be based on knowledge of changed conditions or new scientific or technical data. All interested parties are on notice that until the 90-day period elapses, the Administrator's new determination of elevations may itself be changed.

Any persons having knowledge or wishing to comment on these changes should immediately notify:

Mr. John E. Connors, Jr., Town Manager,
Town of South Kingstown, Town Hall, 68
High Street, Wakefield, Rhode Island
02879.

Also, at this location is the map showing the new base flood elevations. This map is a copy of the one that will be printed. The numerous changes made in the base flood elevations on the South Kingstown Flood Insurance Rate Map make it administratively infeasible to publish in this notice all of the base flood elevation changes contained on the South Kingstown map.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: October 21, 1976.

J. ROBERT HUNTER,
Federal Insurance Administrator.

[FR Doc.76-33359 Filed 11-11-76; 8:45 am]

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket. No. FI-2217]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation for the Borough of Exeter, Luzerne County, Pennsylvania

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (§ 1917.10)), hereby gives notice of his final determinations of flood elevations for the Borough of Exeter, Luzerne County, Pennsylvania under § 1917.9 of Title 24 of the Code of Federal Regulations.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas. In order to continue participation in the National Flood Insurance Program, the Borough must adopt flood plain management measures that are consistent with these criteria and reflect the base flood elevations determined by the Secretary

In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. Pursuant to § 1917.9(a), the Administrator has resolved the appeals presented by the community. Therefore, publication of this notice is in compliance with § 1917.10.

Final flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at the Borough Building, Wyoming Avenue, Exeter.

Accordingly, the Administrator has determined the 100-year (i.e., flood with one-percent chance of annual occurrence) flood elevations as set forth below:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	Left	Right
Big Fossil Creek	Corporate limits	577	870	960	
	Denton Highway	551	1,110	80	
	Interstate 820	549	100	85	
	Glenview Dr.	533	350	910	
	Cedarcrest Dr. (extended)	528	1,970	40	
	Broadway	516	120	120	
	State Highway 188 (southbound)	512	120	120	
	State Highway 188 (Northbound)	510	120	120	
	Corporate limits	507	175	140	
Whites Branch	Watauga Rd.	577	40	440	
	Cessia Dr. (extended)	585	685	50	
	Old Denton Rd. (extended)	579	120	200	
	Haltom Rd.	571	150	50	
	Denton Road (30 ft upstream)	565	410	270	
	Denton Rd. (25 ft upstream)	565	25	250	
	Madella St. (extended)	603	380	150	
East Branch Tributary "C"	Nadine Dr. (extended)	603	210	260	
	Glenda St. (extended)	593	140	230	
	Jerry Lane (extended)	583	100	360	
	Corporate limits	582	200	490	
Little Fossil Creek	Eastridge Dr.	552	450	130	
	Cheryl Lane (extended)	548	800	75	
	Fluor Rd.	542	100	880	
	Haltom Rd.	537	20	1,110	
	Beknap St.	527	475	450	
	Lower Birdville Rd.	510	(1)	2,000	
	Corporate limits	505			
Tributary "A"	Solana Ave.	506	4,330	510	
	Diamond Oaks Dr.	552	60	220	
	Corporate limits	551	270	330	
Tributary "C"	St. Louis and Southwestern RR	602	640	(1)	
			450	(1)	

1 Corporate limits.
2 25 ft upstream.
3 24 ft downstream.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: October 26, 1976.

J. ROBERT HUNTER,
Federal Insurance Administrator.

[FR Doc. 76-33169 Filed 11-11-76; 8:45 am]

In accordance with 24 CFR Part 1910. In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. Pursuant to § 1917.9(a), the Administrator has resolved the appeals presented by the community. Therefore, publication of this notice is in compliance with § 1917.10.

Final flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at the Borough Building, Wyoming Avenue, Exeter.

Accordingly, the Administrator has determined the 100-year (i.e., flood with one-percent chance of annual occurrence) flood elevations as set forth below:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	Left	Right
Susquehanna River	Corporate limits	565	(1)	(1)	
	Con Rail	564	(1)	(1)	
	Penn St. (extended)	558	(1)	(1)	
	Lincoln Ave. (extended)	558	(1)	(1)	
	Grant Ave. (extended)	558	(1)	(1)	
	Schooley Ave. (extended)	557	(1)	(1)	
	Barber Ave. (extended)	557	(1)	(1)	
	Traylor St. (extended)	557	(1)	(1)	
	Sullivan St. (extended)	557	(1)	(1)	
	Corporate limits	557	(1)	(1)	
	Scovell Island, included in entirety	557	(1)	(1)	

1 Corporate limits.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: October 26, 1976.

J. ROBERT HUNTER,
Federal Insurance Administrator.

[FR Doc. 76-33166 Filed 11-11-76; 8:45 am]

nations of flood elevations for the City of Haltom City, Tarrant County, Texas under § 1917.9 of Title 24 of the Code of Federal Regulations.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas. In order to continue participation in the National Flood Insurance Program, the City must adopt flood plain management measures that are consistent with these criteria and reflect the base flood elevations determined by the Secretary in accordance with 24 CFR Part 1910.

[Docket No. FI-2232] **PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW** **Final Flood Elevation for the City of Haltom City, Tarrant County, Texas**

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (§ 1917.10)), hereby gives notice of his final determination

[Docket No. FI-2231]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation for the City of Universal City, Bexar County, Texas

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (§ 1917.10)), hereby gives notice of his final determinations of flood elevations for the City of Universal City, Bexar County, Texas under § 1917.9 of Title 24 of the Code of Federal Regulations.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas. In order to continue participation in the National Flood Insurance Program, the City

must adopt flood plain management measures that are consistent with these criteria and reflect the base flood elevations determined by the Secretary in accordance with 24 CFR Part 1910.

In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. Pursuant to § 1917.9(a), the Administrator has resolved the appeals presented by the community. Therefore, publication of this notice is in compliance with § 1917.10.

Final flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at the Bulletin Board in City Hall, 100 Northview Drive, Universal City.

Accordingly, the Administrator has determined the 100-year (i.e., flood with one-percent chance of annual occurrence) flood elevations as set forth below:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Salitrillo Creek.....	Corporate limits.....	755	50	30
	Wagon Crossing.....	745		
	Fort Wayne (extended).....	735	60	(1)
	Corporate limits.....		90	(1)
East Fork of Salitrillo Creek.....	do.....	800	70	80
	Kitty Hawk Rd. (extended).....	785	50	100
	Guilford Rd.....	743	35	35
	Corporate limits.....	740	60	135
East branch of Salitrillo Creek.....	Desoto Dr.....	845	80	50
	Kitty Hawk Rd.....	810	80	140
	Meadowland.....	770	25	15
	Oakside (extended).....	757	70	100
East fork of east branch of Salitrillo Creek.....	Southern Pacific RR.....	715	150	210
	Corporate limits.....	715	90	40
	Kitty Hawk Rd.....	830	70	100
	Byrd Blvd. (extended).....	760	90	110
Cibola Creek.....	Route 1604.....	730	40	140
	Corporate limits.....	740	(1)	180
	Selma Rd.....	735	(1)	270
	Boulder Dr. (extended).....	725	(1)	750
Selma Creek.....	Langley Blvd. (extended).....	720	(1)	250
	Aviation Blvd.....	715	(1)	500
	Corporate limits.....	715	(1)	320
	do.....	740	190	40

¹ Corporate limits.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (39 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: October 26, 1976.

J. ROBERT HUNTER,
Federal Insurance Administrator.

[FR Doc.76-33168 Filed 11-11-76;8:45 am]

[Docket No. FI-2169]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation for the Town of Union, Broome County, New York

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-

4128, and 24 CFR Part 1917 (§ 1917.10)), hereby gives notice of his final determinations of flood elevations for the Town of Union, Broome County, New York under § 1917.9 of Title 24 of the Code of Federal Regulations.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas. In order to continue participation in the National Flood Insurance Program, the Town must adopt flood plain management measures that are consistent with these criteria and reflect the base flood

elevations determined by the Secretary in accordance with 24 CFR Part 1910. In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. Pursuant to § 1917.9(a), the Administrator has resolved the appeals presented by the community. Therefore, publication of this notice is in compliance with § 1917.10.

Final flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at the Bulletin Board outside of the Town Hall in Union.

Accordingly, the Administrator has determined the 100-year (i.e., flood with one-percent chance of annual occurrence) flood elevations as set forth below:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	Left	Right
Nanticoke River	Upstream corporate limit	872	60		860
	Nanticoke Drive Bridge	868	310		50
	Leon Dr. (extended)	834	40		630
	Route 26	829	0		830
Susquehanna River	Downstream corporate limit	829			
	Upstream corporate limit	836	()	2,970	
	Wilkins Ave	836	()	1,180	
	Annabelle Ave	834	()	1,610	
	Davis Ave	833	()	130	
	Downstream corporate limit	832	()		

1 Corporate limit.
2 Undetermined.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: October 26, 1976.

J. ROBERT HUNTER,
Federal Insurance Administrator.

[FR Doc.76-33160 Filed 11-11-76; 8:45 am]

[Docket No. FT-2170]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation for the Town of West Warwick, Kent County, Rhode Island

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (§ 1917.10)), hereby gives notice of his final determinations of flood elevations for the Town of West Warwick, Kent County, Rhode Island under § 1917.9 of Title 24 of the Code of Federal Regulations.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas. In order to continue participation in the National Flood Insurance Program, the Town must adopt flood plain management measures that are consistent with these criteria and reflect the base flood

elevations determined by the Secretary in accordance with 24 CFR Part 1910. In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. Pursuant to § 1917.9(a), the Administrator has resolved the appeals presented by the community. Therefore, publication of this notice is in compliance with § 1917.10.

Final flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at the Town Hall, 1170 Main Street, West Warwick.

Accordingly, the Administrator has determined the 100-year (i.e., flood with one-percent chance of annual occurrence) flood elevations as set forth below:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	Left	Right
Pawtuxet River	Daisy St.	35	1,050		()
	East St.	35	40		()
	Providence St.	54	40		60
	Evergreen Ave.	55	30		100
North branch, Pawtuxet River	Cantara St.	56	20		90
	Main St.	63	50		20
	Dam No. 155 (downstream side)	70	60		20
	Dam No. 155 (upstream side)	83	80		20
	Dam No. 156 (downstream side)	83	30		0
	Dam No. 156 (upstream side)	102	30		0
	Fairview Ave.	102	30		40
	Providence St.	62	30		30
	Factory St.	87	20		20
	Hare St.	115	50		10
South branch, Pawtuxet River	Main St.	130	20		30
	Dale Ave.	131	700		40
	Culski St.	132	10		20
	Priole Ave.	147	300		10
	Packard St.	85	330		200
	Ventura St.	87	140		280
	Wetland St.	91	100		330
	West Warwick Ave.	130	10		40
	Baker St.	151	380		270
	Quaker Lane	114	40		80
Hardig Brook	Quaker Dr.	118	30		80
	Coal Ave.	132	130		40
	Beal St.	163	60		20
	Revere Ave.	167	20		40
Hawkinson Brook	Tionne Ave.	147	20		30
	Campbell St.	151	50		30
	New London Turnpike	158	250		70
	Quaker Lane	227	30		270
Tributary to Maskerchugg River	I-95 exit ramp to South bound Quaker Lane	232	100		50

1 Corporate limits.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: October 26, 1976.

J. ROBERT HUNTER,
Federal Insurance Administrator.

[FR Doc.76-33165 Filed 11-11-76; 8:45 am]

[Docket No. FI-2208]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW**Final Flood Elevation for the Township of Abington, Montgomery County, Pennsylvania**

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (§ 1917.10)), hereby gives notice of his final determinations of flood elevations for the Township of Abington, Montgomery County, Pennsylvania under § 1917.9 of Title 24 of the Code of Federal Regulations.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas. In order to continue participation in the

National Flood Insurance Program, the Town must adopt flood plain management measures that are consistent with these criteria and reflect the base flood elevations determined by the Secretary in accordance with 24 CFR Part 1910.

In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. Pursuant to § 1917.9(a), the Administrator has resolved the appeals presented by the community. Therefore, publication of this notice is in compliance with § 1917.10.

Final flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at the Township Engineer's Office, Municipal Building, 1176 Old York Road, Abington, Pennsylvania.

Accordingly, the Administrator has determined the 100-year (i.e., flood with one-percent chance of annual occurrence) flood elevations as set forth below:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Baeder Run.....	Jenkintown Rd.....	226	150	110
	Cross Rd. (extended).....	230	150	50
	Pleasant Ave. (extended).....	242	75	50
	Running Brook Rd.....	250	100	200
	Highland Ave.....	267	75	50
North Baeder Run.....	Abington Ave.....	295	80	40
	Hilltop Rd. (extended).....	260	100	75
	Harte Rd.....	274	140	50
	Highland Ave.....	300	100	150

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: October 26, 1976.

J. ROBERT HUNTER,
Federal Insurance Administrator.

[FR Doc. 76-33167 Filed 11-11-76; 8:45]

[Docket No. FI-2221]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW**Final Flood Elevation for the Township of Upper Chichester, Delaware County, Pennsylvania**

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (§ 1917.10)), hereby gives notice of his final determinations of flood elevations for the Township of Upper Chichester, Delaware County, Pennsylvania under § 1917.9 of Title 24 of the Code of Federal Regulations.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas. In order to continue participation in the

National Flood Insurance Program, the Township must adopt flood plain management measures that are consistent with these criteria and reflect the base flood elevations determined by the Secretary in accordance with 24 CFR Part 1910.

In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. Pursuant to § 1917.9(a), the Administrator has resolved the appeals presented by the community. Therefore, publication of this notice is in compliance with § 1917.10.

Final flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at the Upper Chichester Township Building, Boothwyn, Pennsylvania.

Accordingly, the Administrator has determined the 100-year (i.e., flood with one-percent chance of annual occurrence) flood elevations as set forth below:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
East Branch, Marcus Hook Creek	Conchester Rd.	94	900	80
	Cherry Tree Rd.	93	120	50
Marcus Hook Creek	Riviera Rd. (extended)	84	140	250
	Dutton St. (extended)	80	200	180
	Meetinghouse Rd.	73	130	500
	Delaware Expressway	68	60	40
	Market St.	66	70	60
	Johnson Ave. (extended)	51	50	100

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: October 26, 1976.

J. ROBERT HUNTER,
Federal Insurance Administrator.

[FR Doc.76-33164 Filed 11-11-76; 8:45 am]

[Docket No. FI-1156]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation for the Village of Quogue, Suffolk County, New York

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (§ 1917.10)), hereby gives notice of his final determinations of flood elevations for the Village of Quogue, Suffolk County, New York under § 1917.9 of Title 24 of the Code of Federal Regulations.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas. In order to continue participation in the National Flood Insurance Program, the

Village must adopt flood plain management measures that are consistent with these criteria and reflect the base flood elevations determined by the Secretary in accordance with 24 CFR Part 1910.

In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. Pursuant to § 1917.9(a), the Administrator has resolved the appeals presented by the community. Therefore, publication of this notice is in compliance with § 1917.10.

Final flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at the Village Office, Quogue.

Accordingly, the Administrator has determined the 100-year (i.e., flood with one-percent chance of annual occurrence) flood elevations as set forth below:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from shoreline to 100-yr flood boundary	
			North of Quogue Canal	South of Quogue Canal
Atlantic Ocean	West corporate limits	11	235	
	Post Lane (extended)	11	180	
	East corporate limits	11	240	
Shinnecock Bay and Quantuck Bay	West corporate limits	7	100	585
	South Country Rd.	7	535	
	Quantuck Lane	7	1,320	
	Beach Lane	7	960	
	Post Lane	7	1,600	455
	Shinnecock Rd.	7	1,640	
	East corporate limits	7		530
	Bay Road (extended)	7	610	
	Old Point Rd.	7	75	
	Montauk Highway	7	45	

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: October 26, 1976.

J. ROBERT HUNTER,
Federal Insurance Administrator.

[FR Doc.76-33161 Filed 11-11-76; 8:45 am]

[Docket No. FI-2166]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW**Final Flood Elevation for the Village of Owego, Tioga County, New York**

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (§ 1917.10)), hereby gives notice of his final determinations of flood elevations for the Village of Owego, Tioga County, New York under § 1917.9 of Title 24 of the Code of Federal Regulations.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas. In order to continue participation in the National Flood Insurance Program, the

Village must adopt flood plain management measures that are consistent with these criteria and reflect the base flood elevations determined by the Secretary in accordance with 24 CFR Part 1910.

In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. Pursuant to § 1917.9(a), the Administrator has resolved the appeals presented by the community. Therefore, publication of this notice is in compliance with § 1917.10.

Final flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at the Village Hall, 90 Temple Street, Owego.

Accordingly, the Administrator has determined the 100-year (i.e., flood with one-percent chance of annual occurrence) flood elevations as set forth below:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Owego Creek	George St. (extended)	817	1,770	(1)
	ConRail Bridge	816	1,960	(1)
	West Main St.	816	5,905	(1)
	Upstream corporate limits	818	150	1,865
Susquehanna River	Route 88 and 90	817	115	2,175
	Downstream corporate limits	816	990	(2)

¹ Corporate limits.

² Undetermined.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: October 26, 1976.

J. ROBERT HUNTER,
Federal Insurance Administrator.

[FR Doc.76-33162 Filed 11-11-76; 8:45 am]

[Docket No. FI-2134]

PART 1920—PROCEDURE FOR MAP CORRECTION**Letter of Map Amendment for the City of Atlanta, Georgia**

On June 25, 1976, in 41 FR 26406, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas which included the City of Atlanta, Georgia. Map No. H 135157 11 indicates that Lot 21, Block B, Ridgewood Estates Subdivision, Unit One, Atlanta, Georgia, as recorded in Book 6462, Pages 380 and 381, in the office of the Clerk of the Superior Court of Fulton County, Georgia, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the structure on the above mentioned property is within

Zone C, and is not within the Special Flood Hazard Area. The map amendment is not based on the placement of fill on the above named property after the effective date of the Flood Insurance Rate Map of the community. Accordingly, Map No. H 135157 11 is hereby corrected to reflect that the structure on the above property is not within the Special Flood Hazard Area identified on October 8, 1971.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: October 5, 1976.

J. ROBERT HUNTER,
Federal Insurance Administrator.

[FR Doc.76-33363 Filed 11-11-76; 8:45 am]

[Docket No. FI-2134]

PART 1920—PROCEDURE FOR MAP CORRECTION**Letter of Map Amendment for the City of Atlanta, Georgia**

On June 25, 1976, in 41 FR 26406, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas which included the City of Atlanta, Georgia. Map No. H 135157 11 indicates that Lot 66, Provisional Subdivision, Unit 1, Atlanta, Georgia, as recorded in Book 6482, Page 148, in the office of the Clerk of the Superior Court of Fulton County, Georgia, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the above mentioned property is within Zone C, and is not within the Special Flood Hazard Area. The map amendment is not based on the placement of fill on the above named property after the effective date of the Flood Insurance Rate Map of the community. Accordingly, Map No. H 135157 11 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area identified on October 8, 1971.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: October 5, 1976.

J. ROBERT HUNTER,
Federal Insurance Administrator.
(FR Doc.76-33364 Filed 11-11-76; 8:45 am)

[Docket No. FI-454]

PART 1920—PROCEDURE FOR MAP CORRECTION**Letter of Map Amendment for the City of Portland, Oregon**

On January 28, 1975, in 40 FR 4130, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas which included the City of Portland, Oregon. Map No. H 410183 Panel 11 indicates that property known as 5160 North Lagoon Avenue, Swan Island, Portland, Oregon, as recorded in Book 564, Page 872, in the Record of Deeds of Multnomah County, Oregon, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the existing structure on the above mentioned property is not within the Special Flood Hazard Area. Accordingly, Map No. H 410183 Panel 11 is

hereby corrected to reflect that the structure on the above property is not within the Special Flood Hazard Area identified on January 10, 1975.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended, 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: October 18, 1976.

J. ROBERT HUNTER,
Federal Insurance Administrator.

[FR Doc.76-33369 Filed 11-11-76;8:45 am]

[Docket No. FI-2134]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the City of Rochester, Minnesota

On June 25, 1976, in 41 FR 26409, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas which included the City of Rochester, Minnesota. Map No. H 275246A Panel 03 indicates that Lot 9, Block 1, Viking Village Subdivision, as recorded on Instrument Number 350640, in the office of the Register of Deeds of Olmsted County, Minnesota, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the existing structure on the above mentioned property is within Zone B, and is not within the Special Flood Hazard Area. The map amendment is not based on the placement of fill on the above named property after the effective date of the Flood Insurance Rate Map of the community. Accordingly, Map No. H 275246A Panel 03 is hereby corrected to reflect that the structure on the above property is not within the Special Flood Hazard Area identified on March 30, 1970.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended, 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: October 5, 1976.

J. ROBERT HUNTER,
Federal Insurance Administrator.

[FR Doc.76-33365 Filed 11-11-76;8:45 am]

[Docket No. FI-326]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the City of Santa Rosa, California

On August 7, 1974, in 39 FR 28424, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas which included the City of Santa Rosa, California. Map

No. H 060381 Panel 09 indicates that Parcel 2 as shown on Parcel Map No. 180, and Lots 7, 9, 11, 15 and that part of Lot 17, more particularly described as follows: Beginning at the Northwesterly corner of said Lot 17; thence Easterly along the Northerly line of said Lot 17, a distance of 65.50 feet; thence Southerly, parallel to the Easterly line of said Lot 17, a distance of 5.00 feet; thence Southerly, parallel to the Easterly line of said Lot 17, a distance of 142.00 feet; thence Westerly along the Southerly line of said Lot 17, a distance of 60.50 feet; thence Northerly along the Westerly line of said Lot 17, a distance of 354.37 feet, to the point of beginning, Summerfield's Addition, Santa Rosa, California, as recorded in Book 223 of Maps, Page 16, and Book 27 of Maps, Page 9, respectively, in the office of the Recorder of Sonoma County, California are in their entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the above mentioned property is not within the Special Flood Hazard Area. Accordingly, Map No. H 060381 Panel 09 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area identified on July 26, 1974.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended, 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: October 12, 1976.

HOWARD B. CLARK,
Acting Federal
Insurance Administrator.

[FR Doc.76-33362 Filed 11-11-76;8:45 am]

[Docket No. FI-326]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the City of Santa Rosa, California

On August 7, 1974, in 39 FR 28424, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas which included the City of Santa Rosa, California. Map No. H 060381 Panel 06 indicates that Lot 2, Rose Valley Acres Subdivision No. 1 and Lot 12, Rinwood Estates, Subdivision No. 1, Santa Rosa, California, as recorded in Book 88 of Maps, Page 36, and Book 87 of Maps, Page 11, respectively, in the office of the Recorder of Sonoma County, California, are in their entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of the additional, recently acquired flood information, that the above mentioned property is not within the Special Flood

Hazard Area. Accordingly, Map No. H 060381 Panel 06 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area identified on July 26, 1974.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended, 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: October 21, 1976.

J. ROBERT HUNTER,
Federal Insurance Administrator.

[FR Doc.76-33361 Filed 11-11-76;8:45 am]

[Docket No. FI-2134]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the County of Mobile, Alabama

On June 25, 1976, in 41 FR 26403, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas which included the County of Mobile, Alabama. Map No. H 015008 Panel 25 indicates that Lots 18, 19, 29 and 30, Pine Run Subdivision, Unit II, Mobile County, Alabama, as recorded in Map Book 26, Page 54, in the office of the Judge of the Probate Court of Mobile County, Alabama, are in their entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the structures on Lots 18 and 19 are within Zone B, and the structures on Lots 29 and 30 are within Zone C, and are not within the Special Flood Hazard Area. The map amendment is not based on the placement of fill on the above named property after the effective date of the Flood Insurance Rate Map of the community. Accordingly, Map No. H 015008 Panel 25 is hereby corrected to reflect that the structures on the above mentioned property are not within the Special Flood Hazard Area identified on January 7, 1972.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended, 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: October 21, 1976.

J. ROBERT HUNTER,
Federal Insurance Administrator.

[FR Doc.76-33360 Filed 11-11-76;8:45 am]

[Docket No. FI-435]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the Township of Wayne, Pennsylvania

On January 3, 1975, in 40 FR 771, the Federal Insurance Administrator published a list of communities with spe-

cial hazard areas which included Wayne, Pennsylvania, Map No. H 421240 Panel 07 indicates that the proposed Kerr River Estates, Wayne, Mifflin County, Pennsylvania, as recorded in Volume 207, Page 515 of Deed Records, in the office of the Recorder of Mifflin County, Pennsylvania, and shown on a plat prepared by Richard K. Fisher, dated January 29, 1975, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that Parcels 1-5, 10 and 17 of the above-mentioned property, are not within the Special Flood Hazard Area.

Parcel 6, with the exception of the portion within 125 feet of the Juniata River, is not within the Special Flood Hazard Area.

Parcels 7-9, with the exception of the portion within 90 feet of the Juniata River, are not within the Special Flood Hazard Area.

Parcel 11, with the exception of the portion within 430 feet of the Juniata River, is not within the Special Flood Hazard Area.

The barn and stable located on the Farm Lot are not within the Special Flood Hazard Area.

Accordingly, Map No. H 421240 Panel 07 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area identified on December 13, 1974.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended, 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: November 5, 1976.

J. ROBERT HUNTER,
Federal Insurance Administrator.

[FR Doc.76-33370 Filed 11-11-76;8:45 am]

[Docket No. FI-196]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the Village of Ridgewood, New Jersey

On August 24, 1973, in 38 FR 22776, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas which included the Village of Ridgewood, New Jersey. Map No. H 340067 Panel 01 indicates that Lot 17, Block 4405, at 536 Jemco Place, Ridgewood, New Jersey, as recorded in Book 5516, Page 438, in the office of the Clerk of Bergen County, New Jersey, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the structure on the above mentioned property is not within the Special Flood Hazard Area. Accordingly, Map No. H 340067

Panel 01 is hereby corrected to reflect that the structure on the above property is not within the Special Flood Hazard Area identified on August 31, 1973.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended, 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: October 26, 1976.

J. ROBERT HUNTER,
Federal Insurance Administrator.

[FR Doc.76-33366 Filed 11-11-76;8:45 am]

[Docket No. FI-196]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the Village of Ridgewood, New Jersey

On August 24, 1973, in 38 FR 22776, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas which included the Village of Ridgewood, New Jersey. Map No. H 340067 Panel 04 indicates that Lot 15, Block 3405, at 732 Linwood Avenue, Ridgewood, New Jersey, as recorded in Book 3775, Page 672, in the office of the Clerk of Bergen County, New Jersey, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the structure on the above mentioned property is not within the Special Flood Hazard Area. Accordingly, Map No. H 340067 Panel 04 is hereby corrected to reflect that the structure on the above property is not within the Special Flood Hazard Area identified on August 31, 1973.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended, 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: October 21, 1976.

J. ROBERT HUNTER,
Federal Insurance Administrator.

[FR Doc.76-33367 Filed 11-11-76;8:45 am]

[Docket No. FI-196]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the Village of Ridgewood, New Jersey

On August 24, 1973, in 38 FR 22776, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas which included the Village of Ridgewood, New Jersey. Map No. H 340067 Panel 04 indicates that Lot 44, Block 3505, at 17 Pershing Avenue, Ridgewood, New Jersey, as recorded in Book 5894, Page 60, in the

office of the Clerk of Bergen County, New Jersey, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the above mentioned property is not within the Special Flood Hazard Area. Accordingly, Map No. H 340067 Panel 04 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area identified on August 31, 1973.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended, 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: October 21, 1976.

J. ROBERT HUNTER,
Federal Insurance Administrator.

[FR Doc.76-33368 Filed 11-11-76;8:45 am]

Title 25—Indians

CHAPTER IV—NAVAJO AND HOPI INDIAN RELOCATION COMMISSION

PART 700—COMMISSION OPERATIONS AND RELOCATION PROCEDURES

Establishment of New Chapter and Part

Proposed regulations were published in the FEDERAL REGISTER on September 10, 1976 at 41 FR 38523. All comments received to date have been considered in the final drafting. Therefore, Title 25 of the Code of Federal Regulations is amended by adding Chapter IV—Navajo and Hopi Indian Relocation Commission, containing Part 700—Commission Operations and Relocation Procedures as follows:

Sec.	Purpose.
700.1	Scope.
700.2	Applicability.
700.3	Objectives.
700.4	Definitions.
700.5	Development of a relocation report.
700.6	Relocation.
700.7	Commission hearings.
700.8	Hearing officers.
700.9	Payments for relocation and purchase of improvements.
700.10	Relocation standards.
700.11	Resale of property.
700.12	Public information.
700.13	Internal operations.
700.14	Compliance with Federal law and District Court Decisions.
700.15	Cooperation and concurrent action with other Federal agencies and State agencies.
700.16	

AUTHORITY: Pub. L. 93-531, 88 Stat. 1712 (25 U.S.C. 640d-640d-24).

§ 700.1 Purpose.

These regulations are designed to insure fair, equitable and uniform treatment of persons displaced by partitionment of the 1882 Executive Order area and the 1934 Boundary Act area; to set forth the procedures by which the Commission shall operate; and to implement the provisions of the Act of December 22, 1974 (Pub. L. 93-531, 88 Stat. 1712).

§ 700.2 Scope.

The regulations apply to the programs of the Navajo and Hopi Indian Relocation Commission. The geographical coverage is limited to serve the residents of the lands lying within the joint use area of the reservation established by the Executive Order of December 16, 1882, and lands lying within the reservation described by the Act of June 14, 1934 (48 Stat. 960).

§ 700.3 Applicability.

The provisions of this Act and the regulations in this part apply to the operations of the Commission, its members and employees, and to all persons displaced by partitionment of the Joint Use Area and the 1934 Boundary Act.

§ 700.4 Objectives.

The objectives of these regulations are to facilitate development of a relocation plan according to the Act, and to carry out the directed relocation as promptly and fairly as possible, with a minimum of hardship and discomfort to the relocatees, in accordance with the act.

§ 700.5 Definitions.

As used in this part:

(a) *The Act.* "The Act" is Pub. L. 93-531, (88 Stat. 1712) approved December 22, 1974, providing for the final settlement of the conflicting rights and interest of the Navajo and Hopi tribes to and in the lands lying within the joint use area of the reservation established by Executive Order of December 16, 1882, hereinafter referred to as the Joint Use Area, and land lying within the reservation described by the Act of June 14, 1934 hereinafter referred to as the 1934 Boundary Act, and for other purposes.

(b) *Actual notice.* "Actual notice" shall mean notice actually received in a form that is reasonably understood by a person with the same education and same language skills as the person receiving the notice.

(c) *Adequate notice.* "Adequate notice" shall mean notice reasonably calculated to inform the recipient of the content and import of the information contained in such notice and reasonably calculated to be called to the physical attention of said recipient.

(d) *Appraisal.* An "appraisal" shall refer to the value placed on the habitation and other improvements owned by a relocatee that are fixtures on the land, which cannot be moved without substantial damage or unreasonable cost.

(e) *Appraisers.* "Appraisers" shall be suitably qualified and disinterested persons appointed or hired by the Commission to make an appraisal of the habitation and other improvements on the land owned by the relocatees. All compensation for the appraisers shall be paid by the Commission.

(f) *Business.* The term "business" means any lawful activity, except a farm operation, conducted primarily;

(1) For the purchase, sale, lease and rental of personal and real property, and for the manufacture, processing, or mar-

keting of products, commodities, or any other personal property;

(2) For the sale of service to the public;

(3) By a non profit organization; or

(4) For assisting in the purchase, sale, resale, manufacture, processing, or marketing of products, commodities, personal property or service by the direction and maintenance of an outdoor advertising display or displays, whether or not such display or displays are located on the premises on which any of the above activities are conducted.

(g) *Commission.* The "Commission" is an independent entity in the Executive Branch established pursuant to Section 12(a) of the Act. The Commission is composed of three members and shall carry out the purposes of the Act as directed.

(h) *Commission staff.* The "Commission staff" are those persons hired or appointed as full or part-time employees of the Commission to carry out the duties and functions of the Commission as directed by its members.

(i) *Consultants.* "Consultants" are persons hired by the Commission to do specific acts or functions as directed by the Commission.

(j) *Displaced person.* "Displaced person" means any person who has to be moved under the terms of the act. This term is synonymous with the term "relocatee".

(k) *Dwelling.* A "dwelling" is the place of permanent or customarily usual abode of a person, including a single family dwelling; a single family unit and a two family, multifamily, or multipurpose, dwelling; a cooperative housing project; a non housekeeping unit or any other residential unit, including a mobile home which cannot be moved without substantial damage or unreasonable cost.

(l) *Comparable replacement dwelling.* A "comparable replacement dwelling" is a dwelling which is:

(1) Decent, safe and sanitary, and comparable to the acquired dwelling with respect to the number of rooms or habitable living space, but in any event adequate to accommodate the displaced persons;

(2) In an area not subject to unreasonable adverse environmental conditions from either natural or man made sources, and not generally less desirable than the acquired dwelling with respect to public utilities, public and commercial facilities and reasonable access to the displaced person's present or potential place of employment;

(3) Available on private market to the displaced person and available to all persons regardless of race, color, religion or national origin in a manner consistent with Title VIII of the Civil Rights Act of 1968, which is available to all persons regardless of sex;

(4) To the extent practicable and where consistent with paragraph (1) of this section, functionally equivalent and substantially the same as the acquired dwelling, but not excluding newly constructed housing;

(5) Within the financial means of the displaced persons, providing that this paragraph shall be construed only in accordance with the intent to put such persons in an equal or better position. However, if the housing meeting the requirements of this paragraph is not available, the Commission may, on proper finding of the need therefore, consider available housing exceeding these basic criteria.

(m) *Decent, safe and sanitary housing.* "Decent, safe and sanitary housing" means housing in sound, clean and weathertight condition, in conformance with local housing codes, and which meets the following minimum standards:

(1) Each housekeeping unit shall include a kitchen with a full usable sink, a stove, or connection for a stove, a separate and complete bathroom, hot and cold running water in both bathroom and kitchen, adequate and safe wiring systems for lighting and other electrical services, and heating as required by climatic conditions and local codes.

(2) Each nonhousekeeping unit shall be in conformance with local code standards for boarding houses, hotels or other dwellings for congregated living.

(3) Occupancy standards shall be in conformance with local code.

(n) *Farm operation.* The term "farm operation" means any activity conducted solely or primarily for the production of one or more agricultural products or commodities, including timber, for sale or home use, and customarily producing such products or commodities in sufficient quantity to be capable of contributing materially to the operator's support.

(o) *Federal agency.* The term "Federal agency" means any department, agency or instrumentality in the Executive Branch of the United States Government.

(p) *Habitation.* The "habitation" shall mean the principal place of residence of the displaced person. This term is synonymous with the term "dwelling".

(q) *Head of household.* A person who qualifies as a "head of household" under the Internal Revenue Code of 1954, as amended; or a married couple; or a widow or widower; or any single person who maintains a separate home and did so for a period of one year prior to the effective date of these regulations shall qualify as a head of household under these regulations.

(r) *Improvements.* "Improvements" shall be fixtures added to the land, including a business, in addition to the habitation, which cannot readily be moved without substantial damage, or whose movement would require unreasonable cost.

(s) *Livestock.* "Livestock" shall include all domesticated animals of every type owned by the displaced person.

(t) *Moving expenses.* "Moving expenses" means:

(1) The actual reasonable expenses in moving the dislocated person, his family, his business, farm operation or other personal property;

(2) The actual direct loss of tangible personal property as a result of moving

or discontinuing a business or farm operations, but not to exceed an amount equal to the reasonable expenses that would have been required to relocate such property, as determined by the Commission; and

(3) Actual reasonable expenses in searching for a replacement business or farm.

(u) *Person*. The term "person" means any individual, partnership, corporation, association, or farm operation.

(v) *Relocatee*. The term "relocatee" means a member of the Hopi Tribe within the area partitioned to the Navajo Tribe or a member of the Navajo Tribe within the area partitioned to the Hopi Tribe who must be relocated pursuant to the Act. This term shall be synonymous with the term "displaced person".

(w) *Relocation report*. The "relocation report" shall be the report prepared by the Commission and submitted to Congress pursuant to section 13 of the Act.

(x) *Relocation plan*. The "relocation plan" shall be a detailed plan providing for the relocation of the households and the members identified pursuant to the relocation report submitted to Congress, and shall be developed in accordance with the Act.

(y) *State*. The term "state" means any of the several states of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States, the territory of the Pacific Islands, and any political subdivision thereof.

§ 700.6 Development of a relocation report.

(a) The relocation report shall be completed within 24 months from the issuance of an order of the District Court pursuant to sections 8 and 4 of the Act and shall contain:

(1) The names of all members of the Navajo Tribe who reside within the areas partitioned to the Hopi Tribe and the names of all members of the Hopi Tribe who reside within the areas partitioned to the Navajo Tribe.

(2) The fair market value of the habitations and improvements owned by the heads of households identified by the Commission as being named in paragraph (a) (1) of this section.

The plan shall:

(i) Be developed to the maximum extent feasible in consultation with the persons involved in such relocation and appropriate representatives of their tribal councils;

(ii) Take into account the adverse social, economic, cultural and other impacts of relocation on persons involved in such relocation and be developed to avoid or minimize, to the extent possible, such impacts;

(iii) Identify the sites to which such households shall be relocated, including the distance involved;

(iv) Assure that housing and related community services, such as water, sewer, roads, schools, and health facilities, for such households shall be available at their relocation sites; and

(v) Take effect thirty days after the date of submission of the plan to the Congress.

(b) The Commission may utilize such hearings, meetings with the Navajo and Hopi Tribal Councils, meetings with appropriate chapter houses, meetings with such individuals or groups as they deem advisable, individual surveys, or such other methods as the Commission deems appropriate to gather the necessary information to develop the relocation report.

(c) The Commission may use whatever means they deem appropriate to provide adequate notice to all interested parties of the proceedings in their development of the relocation report.

(d) To develop the fair market value of the habitations and improvements owned by the heads of households identified by the Commission as being named in paragraph (a) (1) of this section:

(1) The property of the relocatees shall be appraised by such qualified appraiser or appraisers as shall be appointed by the Commission. Upon the completion of the appraisal report, the appraiser shall forward one copy of the report to the Commission and one copy to the relocatee.

(2) Appraisals of property of relocatees shall be provided first to those relocatees who apply for voluntary relocation on a first come first served basis. However, appraisals may be made in specified areas without regard to this requirement. All other appraisals shall be conducted as directed by the Commission.

(e) If the relocatee disagrees with the value placed on his property, he may appeal the appraisal to the Commission, which shall hold a hearing on such appeal pursuant to these regulations.

(f) The Commission shall publish a list of names of all individuals to be included in the relocation report at least 120 days before submitting the report to Congress. The list of names shall be published in a newspaper of general circulation in the area of the residence of the relocatee at least two times, and shall be posted in the chapter house of the chapter in which the relocatee resides.

(g) If any person feels a name was wrongfully left out of, or wrongfully put into, the relocation report, he may request the Commission staff to correct the error. If the staff refuses or fails to correct the error within 15 days of the request, he may appeal the staff's decision to the Commission, and the Commission shall hold a hearing on said appeal.

§ 700.7 Relocation.

Pursuant to the relocation plan, all members of the Navajo Tribe within the areas partitioned to the Hopi Tribe, and all members of the Hopi Tribe within the areas partitioned to the Navajo Tribe shall be relocated, except for those persons exempt from relocation by the Act. Such relocation shall be carried out within five years from the date the relocation plan takes effect as follows:

(a) *Voluntary relocation*. As soon as the Commission determines that it is practicable, relocatees may voluntarily begin relocation. Said relocatees who

wish to relocate pursuant to this paragraph shall notify the Commission, in writing or by contacting a member of the Commission staff at the Commission's office during regular business hours, that they desire to relocate voluntarily and request an appraisal of their habitation and improvements, identify a site where they desire to be relocated, and sign a contract for the relocation.

(b) *Involuntary relocation*. (1) Relocatees who do not voluntarily contact the Commission for relocation shall be contacted by the Commission as soon as practicable after 30 days from the date the relocation report is submitted to Congress and shall:

(i) Request that the head of household choose an available area for relocation.

(ii) Make available to the relocatee suitable housing in an available area of his choice.

(iii) Arrange to purchase the relocatee's habitation and improvements.

(iv) Arrange for the relocatee and his family to be moved.

(2) If a relocatee fails or refuses to move after the actions in paragraph (b) (1) of this section are taken by the Commission, the Commission may order the relocatee to appear before it at a hearing and show cause why he should not relocate.

If the relocatee fails to appear at said hearing, or refuses to relocate after a hearing and after the Commission orders him to relocate, the Commission may apply to a court of competent jurisdiction to order the relocatee to relocate pursuant to the Commission decision.

(3) Nothing in these regulations shall prevent either tribe from taking any action on its own, under its own court or any court of competent jurisdiction, to order a relocatee, who is wrongfully staying on the land beyond the legal time limit, to relocate.

§ 700.8 Commission hearings.

The Commission shall conduct such hearings as it deems appropriate or necessary pursuant to these regulations. Such hearings shall be conducted as follows:

(a) *Procedures*. The procedure at all hearings of the Commission shall be conducted in an informal manner, with the goal of affording every person appearing at the hearing the right to fully state his position and to be heard on the issues.

(b) *Right of representation*. Any person appearing before the Commission may be represented by himself or by any other person he chooses, including an attorney at law.

(c) *Place*. Commission hearings shall be held at the regular office of the Commission or such other places as the Commission determines are convenient or necessary.

(d) *Notice of hearings*. Notice of all hearings held for the purpose of the development of a relocation plan shall be conducted pursuant to § 700.6(c). Notice of all other hearings shall be given by personal service or registered mail to all interested parties at least ten days prior to such hearings.

(e) *Rehearing*. In order to insure equity, a rehearing on any matter may

be granted by the Commission upon a timely showing of good cause.

§ 700.9 Hearing officers.

The Commission may appoint such hearing officers as they deem appropriate to hear any matter pending before the Commission. Such hearing officer shall be a disinterested person and shall make a written report to the Commission on any hearing conducted by him. The Commission shall make a final determination based on the hearing officer's report. Any individual member of the Commission may act as a hearing officer.

§ 700.10 Payments for relocation and purchase of improvements.

(a) The Commission shall purchase from the head of each household whose household is required to relocate under the terms of the Act the habitation and other improvements owned by him on the area from which he is required to move. The purchase price shall be the fair market value of such habitation and improvements as determined under clause (2) of subsection (b) of section 13 of the Act.

(b) In addition to the payments made pursuant to paragraph (a) of this section, the Commission shall:

(1) Reimburse each head of household whose household is required to relocate pursuant to the Act for the actual reasonable moving expenses of the household as if the household members were displaced persons under section 202 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (84 Stat. 1894);

(2) Pay to each head of household whose household is required to relocate pursuant to the Act an amount which when added to the fair market value of the habitation and improvements purchased under paragraph (a) of this section, equals the reasonable costs of a comparable replacement dwelling adequate to accommodate such household: *Provided*, That the additional payment authorized by this paragraph shall not exceed \$17,000 for a household of three or less and not more than \$25,000 for a household of four or more, except that the Commission may, after consultation with the Secretary of Housing and Urban Development, annually increase or decrease such limitations to reflect changes in housing or development and construction costs, other than costs of land, during the preceding year: *Provided further*, That the additional payment authorized by this paragraph shall be made only to a head of household required to re-locate pursuant to the Act who purchases and occupies such replacement dwelling not later than the end of the two-year period beginning on the date on which he receives from the Commission final payment for the habitation and improvements purchased under paragraph (a) of this section, or on the date on which such household moves from such habitation, whichever is the later date. The payments made pursuant to this paragraph shall be used only for

the purpose of obtaining comparable replacement dwellings adequate to accommodate the households relocated pursuant to the Act.

(c) The Commission shall be responsible for the provision of housing for each household eligible for payments under this section in one of the following manners:

(1) Should any head of household apply for and become a participant or homebuyer in a mutual help housing or other home ownership opportunity project undertaken under the United States Housing Act of 1937 (50 Stat. 888), as amended (42 U.S.C. 1401), or in any other federally assisted housing program now or hereafter established, the amounts payable with respect to such household under paragraph (b) (2) of this section and under paragraph (a) of this section shall be paid to the local housing agency or sponsor involved as a voluntary equity payment and shall be credited against the outstanding indebtedness or purchase price of the household's home in the project in a manner which will accelerate to the maximum extent possible the achievement by that household of debt free home ownership. (2) Should any head of household wish to purchase or have constructed a dwelling which the Commission determines is decent, safe, sanitary, and adequate to accommodate the household, the amounts payable with respect to such household under paragraph (b) (2) of this section and under paragraph (a) of this section shall be paid to such head of household in connection with such purchase or construction in a manner which the Commission determines will assure the use of the funds for such purpose.

(3) Should any head of household not make timely arrangements for relocation housing, or should any head of household elect and enter into an agreement to have the Commission construct or acquire a home for the household, the Commission may use the amounts payable with respect to such household under paragraph (b) (2) of this section and under paragraph (a) of this section for the construction or acquisition (including enlargement or rehabilitation if necessary) of a home and related facilities for such household: *Provided* that, the Commission may combine the funds for any number of such households into one or more accounts from which the costs of such construction or acquisition may be paid on a project basis and the funds in such account or accounts shall remain available until expended: *Provided further*, That the title to each home constructed or acquired by the Commission pursuant to this paragraph shall be vested in the head of the household for which it was constructed or acquired upon occupancy by such household, but this shall not preclude such home being located on land held in trust by the United States.

(d) No payment shall be made pursuant to § 700.10 (a), (b) or (c) to or for any person who, later than one year prior to the date of enactment of the Act, moved into an area partitioned pursuant

to section 8 or section 3 or 4 of the Act to a tribe of which he is not a member.

(e) (1) In addition to the payments made pursuant to section 15 of the Act, the Commission shall make payments to heads of households identified in the report prepared pursuant to section 13 of the Act upon the date of relocation of such households as determined by the Commission, in accordance with the following schedule:

(i) The sum of \$5,000 to each head of a household who, prior to the expiration of one year after the effective date of the relocation plan, contracts with the Commission to relocate;

(ii) The sum of \$4,000 to each head of household who is not eligible for the payment provided for in paragraph (e) (1) (i) of this section but who, prior to the expiration of two years after the effective date of the relocation plan, contracts with the Commission to relocate;

(iii) The sum of \$3,000 to each head of household who is not eligible for the payments provided for in paragraph (e) (1) (i) or (ii) of this section but who, prior to the expiration of three years after the effective date of the relocation plan, contracts with the Commission to relocate; and

(iv) The sum of \$2,000 to each head of household who is not eligible for the payments provided for in paragraph (e) (1) (i), (ii), or (iii) of this section but who, prior to the expiration of four years after the effective date of the relocation plan, contracts with the Commission to relocate.

(2) No payment shall be made pursuant to this section to or for any person who, after May 29, 1974, moved into an area partitioned pursuant to section 8 or section 3 or 4 of the Act, to a tribe of which he is not a member.

(3) The date for determining what, if any, voluntary bonus a relocatee shall receive shall be determined by the date the Commission receives a notice from the relocatee that the relocatee desires to be relocated, as provided in § 700.7(a).

(f) The Commission shall purchase the habitation and other improvements owned by all Indian absentee owners that are located in an area partitioned to a tribe of which they are not members. The purchase price shall be the fair market value of such habitation and improvements.

(g) All payments made pursuant to these regulations shall be made promptly after the individual becomes eligible for said payments.

§ 700.11 Relocation standards.

The following standards and procedures shall govern all relocation of displaced persons:

(a) *Notice of displacement.* The Commission is responsible for administration of programs affected by the Act and shall give a written notice of displacement to each individual, family, business, or farm operation to be displaced after partitionment. Such notice shall be served personally or by certified mail. However, the Act authorizes and directs the Commission to proceed with voluntary reloca-

tions as promptly as practicable following its first meeting.

(b) *Eligibility requirements.* To be eligible for benefits under the Act as a displaced person, the following conditions must be fulfilled:

(1) The person must live in the area partitioned to the tribe of which he is not a member, and must meet the time requirements of residency as established in section 700.10 (d) and (e) (2) of these regulations.

(2) The person must move because he lives in an area partitioned to a tribe of which he is not a member.

(3) Any displaced person who does not meet the residency time requirements of § 700.10 (d) and (e) (2) of these regulations must move from the partitioned area upon notice by the Commission, but is not entitled to any benefits under the Act or these regulations.

(c) *Statement of just compensation to the owner.* The Commission shall provide the owner of property to be acquired with a written statement of, and a summary basis for the amount established as just compensation. The summary statement shall include the following:

(1) Identification of the property and its location including all habitations, buildings, structures, improvements, business or farm operation.

(2) A statement explaining the basis for the determination of just compensation and that such compensation:

(i) Is based on the estimated fair market value of the property.

(ii) Is not less than the approved appraisal of the property.

(d) *Uniform Relocation Assistance and Real Property Acquisition Policies Act.* The provisions of these regulations and this paragraph shall be carried out in a manner that is consistent with the Federal Relocation Assistance and Real Property Acquisition Policies Act of 1970 (84 Stat. 1894). If provisions of these regulations are inconsistent therewith, the Relocation Assistance and Real Property Acquisition Policies Act shall govern.

§ 700.12 Resale of property.

The Commission is authorized to dispose of dwellings and other improvements acquired pursuant to the Act in such manner, including resale of such dwellings and improvements to members of the tribe exercising jurisdiction over the area at prices no higher than the acquisition or construction cost, as best effects section 8 of the Act and the order of the District Court pursuant to section 3 or 4 of the Act. All resale of said property shall proceed as follows:

(a) The tribe acquiring jurisdiction of the partitioned area shall have the first opportunity to purchase the acquired property at the price paid by the Commission for said property.

(b) If the tribe does not purchase any of said improvements on the property, the improvements may be sold to persons designated by the tribe for the price paid by the Commission for said improvements.

(c) If the individual designated by the tribe does not purchase the property from the Commission at the set price, the property shall be sold to any member of the tribe having jurisdiction over said acquired property at a public auction. If more than one person bids the price paid by the Commission for said habitation and improvement, the buyer will be determined by the drawing of lots.

(d) If no person purchases said property, the Commission may dispose of it by giving it to the tribal government having jurisdiction over said property, or by giving it to any Federal agency having programs that can make use of said improvements.

(e) Notices for any such sales shall first be mailed to the tribal governments and the tribal government shall exercise their option to purchase said property within thirty days of said notice unless the Commission extends the option purchase date. If the tribal government does not purchase said property and an individual is designated by the tribe to purchase said property, said individual shall have thirty days from the date of notice of his option in which to exercise his option to purchase the improvements, unless such period of time is extended by the Commission. Notices of any public auctions or sales of said improvements shall be published in a newspaper of general circulation in the area where the property is to be sold at least four times in the thirty day period immediately prior to the sale, the last publication being not later than one week prior to the sale. In addition the Commission shall use what other methods are deemed appropriate to insure adequate notification of the sale to all persons who may be eligible to purchase said improvements.

§ 700.13 Public information.

Any person may obtain information concerning the procedures or decisions of the Commission, or any information from the Commission that is not of a confidential nature by notifying the Commission in writing at 2708 North 4th Street, Flagstaff, Arizona 86001 describing the nature and type of information he desires and by paying the actual cost of producing said information by the Commission. If it is not possible to determine said actual cost prior to the request, the Commission shall immediately notify the person requesting said information of the cost and shall make the information available as soon as possible after the receipt of said cost. This provision shall be interpreted in connection with the Freedom of Information Act, and if these regulations contain any provisions inconsistent therewith, the Freedom of Information Act shall govern.

§ 700.14 Internal operations.

The internal operation of the Commission and the duties and regulations of Commission employees shall be governed by management memoranda, passed, amended or repealed by a majority of the Commission at any regular or special meeting. The Commission

shall hold a regular monthly meeting on the first Monday of each month, unless said Monday falls on a legal holiday; and in that event the meeting shall begin on the next regular workday at the main office of the Commission. Said monthly meeting may continue for as many days thereafter as is necessary to complete the regular affairs of the Commission, and may be adjourned from time to time by the Commission and reconvened at any time designated by the Commission at their regular meeting.

§ 700.15 Compliance with Federal law and District court decisions.

If any provisions of these regulations are contrary to Federal law or orders of the District Court, said Federal law or said order of the District Court shall govern and may supersede, supplant or repeal these regulations.

§ 700.16 Cooperation and concurrent action with other Federal agencies and State agencies.

The Commission may cooperate with any Federal or State agencies administering programs which may be of assistance to displaced persons covered by the Act, and shall cooperate to the maximum extent possible with any Federal or State agencies to insure that the provisions of the Act are carried out to the full intent of Congress.

HAWLEY ATKINSON,
Chairman, Navajo and Hopi Indian Relocation Commission.

[FR Doc. 76-33269 Filed 11-11-76; 8:45 am]

Title 42—Public Health

CHAPTER I—PUBLIC HEALTH SERVICE, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 50—POLICIES OF GENERAL APPLICABILITY

Subpart D—Public Health Service Grant Appeals Procedure

AMENDMENT OF PROCEDURE

The Department of Health, Education, and Welfare has established a Departmental Grant Appeals Board for the purpose of reviewing and providing hearings upon post-award disputes arising in the administration of certain of the Department's grant programs. The Charter for such Board, set forth at 45 CFR Part 16, Subpart A, provides in part that a grantee may not appeal certain determinations to such Board unless it has exhausted "such informal procedures as the (constituent) agency has established by regulation for the resolution (prior to submission to the Board) of issues related to such determination[s]". 45 CFR § 16.5(b)(2). By regulation, the Public Health Service established such an informal procedure for its grant programs which are within the scope of 45 CFR Part 16, and such procedure has been codified at 42 CFR Part 50, Subpart D.

The Department has noted, however, that the "applicability" provision of the Public Health Service procedure (42 CFR 50.402) was drawn more narrowly than

the applicability provision of the Departmental procedure (45 CFR 16.2), so that certain programs within the scope of the latter have been inadvertently omitted from the scope of the former. Accordingly, in order to bring the Public Health Service procedure into conformity with the Departmental procedure, the "applicability" provision of the Public Health Service procedure is hereby amended as set forth below.

Because this amendment merely makes the Public Health Service procedure consistent with the Departmental procedure under the authority of which it was issued, and because it makes available to more grantees an additional forum for the informal resolution of certain disputes, the Department has concluded that notice and public procedure thereon are unnecessary and contrary to the public interest and has found good cause for their omission.

42 CFR Part 50, Subpart D is therefore amended by deleting Appendices A and B thereto and by revising § 50.402 thereof to read as follows:

§ 50.402 Applicability.

This subpart is applicable to all grant programs which are subject to 45 CFR Part 16 ("Department Grant Appeals Process") and which are administered by the National Institutes of Health, the Health Services Administration, the Health Resources Administration, the Center for Disease Control, the Alcohol, Drug Abuse and Mental Health Administration, or the Food and Drug Administration, or by the Public Health Service Regional Offices. For the scope of 45 CFR Part 16, see 45 CFR 16.2 and the appendices to such Part.

Appendices A and B [Deleted]

(Sec. 215, 58 Stat. 690, as amended (42 U.S.C. 216); 45 CFR Part 16.5(b) (2).)

Effective date: This amendment shall be effective December 13, 1976.

It is hereby certified that this proposal has been screened pursuant to Executive Order No. 11821, and does not require an Inflation Impact Evaluation.

Dated: August 31, 1976.

THEODORE COOPER,
Assistant Secretary for Health.

Approved: October 20, 1976.

DAVID MATHEWS,
Secretary.

[FR Doc. 76-33291 Filed 11-11-76; 8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER I—UNITED STATES FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 33—SPORT FISHING

Audubon National Wildlife Refuge, North Dakota

The following special regulation is issued and is effective on November 12, 1976.

§ 33.5 Special regulations; sport fishing, for individual wildlife refuge areas.

NORTH DAKOTA

AUDUBON NATIONAL WILDLIFE REFUGE

Lake Audubon within Audubon National Wildlife Refuge is open to all fishing December 15, 1976 through March 27, 1977 and is closed from March 28 through December 14, 1977.

Sport fishing on the Audubon National Wildlife Refuge, Coleharbor, North Dakota is permitted on all water areas throughout the refuge. The water area, comprising 10,500 acres is delineated on maps available at refuge headquarters or at the office of the Area Manager, U.S. Fish and Wildlife Service, Bismarck, North Dakota 58501.

Sport fishing shall be in accordance with all applicable State regulations.

The provision of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 14, 1977.

DAVID C. MCGLAUCHLIN,
Refuge Manager,
Audubon National Wildlife Refuge.

NOVEMBER 4, 1976.

[FR Doc. 76-33268 Filed 11-11-76; 8:45 am]

Title 7—Agriculture

CHAPTER III—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

PART 360—NOXIOUS WEED REGULATIONS

Movement Into or Through the United States

• Purpose: To establish regulations under the Federal Noxious Weed Act of 1974 (7 U.S.C. 2801 et seq., Pub. L. 93-629), listing "noxious weeds" and provide certain criteria for movement of such weeds into or through the United States. •

On March 16, 1976, a document was published in the Federal Register (41 FR 11028) giving notice that the Animal and Plant Health Inspection Service proposed to amend Chapter III of Title 7 of the Code of Federal Regulations pursuant to the Federal Noxious Weed Act (7 U.S.C. 2801 et seq.), by adding a new Part 360, entitled "Noxious Weed Regulations." The proposal contained a list of "noxious weeds" and provided criteria for the movement into or through the United States of such weeds.

Comments were received from plant regulatory officials of California, Florida, Minnesota, New Jersey, North Carolina, and Wyoming, and from two agricultural associations. None of the respondents opposed the proposal except as discussed below. All comments and suggestions were taken into careful consideration.

A number of respondents made suggestions for additions to the proposed list of noxious weeds. The Department will consider amending the list of noxious weeds in accordance with the provisions of the Federal Noxious Weed Act. In this connection, it should be noted that a Governmental Working Group consisting

of weed experts from agencies of the Federal Government has been appointed to give advice with respect to possible additions to the list of noxious weeds.

One respondent cited section 9(b) of the Act (7 U.S.C. 2808(b)) and questioned whether there is authority for regulatory control of noxious weeds on lands owned or controlled by the United States. Section 9(b) relates to authority for certain cooperative actions and does not restrict the Secretary of Agriculture from carrying out necessary and authorized actions under the Act on lands owned or controlled by the United States.

One respondent from the State of California commented that two weeds listed in the proposed regulation, *Oryza rufipogon* and *Monochoria vaginalis*, do not have sufficient capability for becoming serious weed pests under conditions existing in that State to be within the definition of a noxious weed. However, the Department has determined that these two weeds can seriously injure, among other things, rice crops in other rice-growing areas in the United States, such as in Arkansas and Louisiana, and otherwise are within the meaning of the term "noxious weeds," and, therefore, should be listed as noxious weeds.

The proposed regulations listed all species of *Orobancha* as "noxious weeds." One respondent noted that some species of *Orobancha* occur widely in the United States. After further consideration, the Department determined that, some species of *Orobancha* appear to be ineligible to be listed as "noxious weeds" because of being widely prevalent within the United States. However, the Department determined that other species of *Orobancha*, i.e., *O. aegyptiaca*, *O. cernua*, *O. crenata*, *O. lutea*, and *O. major*, are not widely prevalent within the United States and otherwise meet the criteria of the term "noxious weed" under the Federal Noxious Weed Act. Therefore, these weeds are included in the list of "noxious weeds."

Accordingly, Chapter III of Title 7 is amended by adding a new Part 360 entitled "Noxious Weed Regulations" as set forth below.

It does not appear that further public participation in rulemaking proceedings on these amendments would make additional information available to the Department. Therefore, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that further notice and other public procedures concerning these amendments are impracticable and unnecessary.

The Animal and Plant Health Inspection Service has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

Effective date: This regulation shall become effective November 12, 1976.

Done at Washington, D.C. this 8th day of November 1976.

JAMES O. LEE, JR.,
Acting Administrator, Animal
and Plant Health Inspection
Service.

- Sec.
360.100 Definitions.
360.200 Designation of noxious weeds.
360.300 Permits for movement of noxious weeds.

AUTHORITY: Secs. 4, 10; 88 Stat. 2149, 2151; 7 U.S.C. 2803, 2809; 41 FR 4251.

§ 360.100 Definitions.

(a) As used in this part, words in the singular form shall be deemed to import the plural and vice versa, as the case may require.

(b) As used in this part, the terms as defined in section 3 of the Act (7 U.S.C. 2802) shall apply with equal force and effect. In addition and except as may be provided otherwise in this part the following words shall be construed, respectively, to mean:

Department. The United States Department of Agriculture.

Deputy Administrator. The Deputy Administrator of the Plant Protection and Quarantine Programs of the Animal and Plant Health Inspection Service of the Department, or any other officer or employee of the Plant Protection and Quarantine Programs to whom authority has heretofore been delegated or may hereafter be delegated to act in his stead.

Plant Protection and Quarantine Programs. The Plant Protection and Quarantine Programs, Animal and Plant Health Inspection Service of the Department.

§ 360.200 Designation of noxious weeds.

Pursuant to the provisions of section 10 of the Federal Noxious Weed Act of 1974 (7 U.S.C. 2809) the Secretary of Agriculture, after publication of the required notice of proposal and after public hearing on the proposal when requested by any interested person, has determined based upon the information received at any such hearing and other information available to the Secretary, that the following plants are within the definition of a "noxious weed" in section 3(c) of the Act (7 U.S.C. 2802(c)) and that their dissemination in the United States may reasonably be expected to have, to a serious degree, an effect specified in said section 3(c) of the Act:

(a) Aquatic Weeds:

Eichornia azurea (Sw.) Kunth (anchored waterhyacinth)
Hydrilla verticillata F. Muell. (hydrilla)
Monochoria hastata (L.) Solms
Monochoria vaginalis (Burm.f.) Presl
Salvinia molesta D. S. Mitchell
Sparganium erectum L.
Stratiotes aloides L.

(b) Parasitic Weeds:

Orobanchae aegyptiaca Persoon
O. cernua Loeft.
O. crenata Forsk.
O. lutea Baumg.
O. major L.
Striga spp.

(c) Terrestrial Weeds:

Avena ludoviciana Dur.
Carthamus oxyacantha M. B.
Commelina benghalensis L.
Digitaria scalarum (Schweinf.) Chiov.
Drymaria arenaroides H.B.K.
Imperata brasiliensis Trin.
Ischaemum rugosum Salisb.

Leptochloa chinensis (L.) Nees
Mikania micrantha Kunth
Oryza rufipogon Griff.
Oryza longistaminata P. Chev. & Roehr.
Oryza punctata Kotschy ex. Steud.
Rottboellia exaltata L.f. (itchgrass, raoul-grass)

§ 360.300 Permits for movement of noxious weeds.

(a) The Deputy Administrator shall issue a written permit for the movement of a noxious weed into or through the United States if application is made for such movement and if he determines that such movement under conditions specified in the permit would not involve a danger of dissemination of the noxious weed in the United States; otherwise such a permit shall not be issued. Application for such movement shall be made by filing a completed form of application with Permit Unit, Plant Protection and Quarantine Programs, Animal and Plant Health Inspection Service, Room 638, Federal Building, Hyattsville Maryland 20782.¹

(b) All such permits issued shall contain in written form in the permit any conditions (other than those conditions specified in this part) under which the permit is to be granted, e.g. conditions with respect to shipment, storage, and destruction.

(c) If the permit is denied, the applicant shall be furnished the reasons therefor.

(d) The Deputy Administrator may revoke any outstanding permit issued under this section if he determines that there has been a failure to comply with any provision of the Act or this section, including conditions written on the permit. Upon request, any permit holder will be afforded an opportunity for a hearing with respect to the merits or validity of any such revocation involving his permit.

[FR Doc. 76-33239 Filed 11-11-76; 8:45 am]

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Lemon Regulation 66]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

This regulation fixes the quantity of California-Arizona lemons that may be shipped to fresh market during the weekly regulation period Nov. 14-20, 1976. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 910. The quantity of lemons so fixed was arrived at after consideration of the total available supply of lemons, the

¹ Such forms of application are available without charge from the Permit Unit, Plant Protection and Quarantine Programs (PPQ), Animal and Plant Health Inspection Service, Room 638, Federal Building, Hyattsville, Maryland 20782, or local PPQ offices which are listed in telephone directories.

quantity of lemons currently available for market, the fresh market demand for lemons, lemon prices, and the relationship of season average returns to the parity price for lemons.

§ 910.366 Lemon Regulation 66.

(a) **Findings.** (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this regulation to limit the quantity of lemons that may be marketed during the ensuing week stems from the production and marketing situation confronting the lemon industry.

(i) The committee has submitted its recommendation with respect to the quantity of lemons it deems advisable to be handled during the ensuing week. Such recommendation resulted from consideration of the factors enumerated in the order. The committee further reports the demand for lemons is steady this week.

Average f.o.b. price was \$5.15 per carton the week ended November 6, 1976, compared to \$5.46 per carton the previous week. Track and rolling supplies at 85 cars were the same as last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the quantity of lemons which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were

promptly submitted to the Department after such meeting was held; the provisions of this regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on November 9, 1976.

(b) *Order.* (1) The quantity of lemons grown in California and Arizona which may be handled during the period November 14, 1976, through November 20, 1976, is hereby fixed at 200,000 cartons. (2) As used in this section, "handled", and "carton(s)" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674.)

Dated: November 10, 1976.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 76-33712 Filed 11-11-76; 11:48 am]

CHAPTER XIV—COMMODITY CREDIT CORPORATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

PART 1464—TOBACCO

Subpart A—Tobacco Loan Program

1976 Crop Fire-Cured, Dark Air-Cured and Virginia Sun-Cured Tobacco, Loan Rate Schedules

On September 24, 1976 there was published in the FEDERAL REGISTER (41 FR 41920) a notice of proposed rule making and a subsequent correction on October 4, 1976 (41 FR 43729), setting forth the proposed price support grade loan rates for 1976 fire-cured, dark air-cured and Virginia sun-cured tobacco. Interested persons were given the opportunity to submit, not later than October 26, 1976, data, views and recommendations pertaining to the proposed grade loan rates.

No unfavorable comments have been received. Accordingly, the revision of 7 CFR 1464.17 through 1464.20 containing the proposed loan rates is hereby adopted without change as set forth below. The material previously appearing under §§ 1464.17 through 1464.20 remains applicable to the crop to which each refers.

(Secs. 4 and 5, 62 Stat. 1070, as amended (15 U.S.C. 714b, 714c), secs. 101, 106, 401, 403, 63 Stat. 1051, as amended (7 U.S.C. 1441, 1445, 1421, 1423).)

Effective date: November 12, 1976.

Signed at Washington, D.C. on November 5, 1976.

KENNETH E. FRICK,
Executive Vice President,
Commodity Credit Corporation

§ 1464.17 1976 Crop—Virginia Fire-Cured Tobacco, Type 21—Grade Loan Schedule.¹

Loan Rate

[Dollars per hundred pounds, farm sales weight]

Grade	Length				
	47	48	45	44	43
A1F	98	98	98		
A2F	95	95	95		
A1D	98	98	98		
A2D	95	95	95		
B1F	96	96	97		
B2F	93	93	94	89	
B3F	87	87	88	86	77
B4F	81	81	82	79	72
B5F	69	69	71	69	64
B1D	95	95	95		
B2D	89	89	90	85	
B3D	81	81	81	80	75
B4D	76	76	77	76	71
B5D	66	66	67	66	63
B3M	76	76	78	74	72
B4M	73	73	76	73	70
B5M	63	63	65	63	60
B3G	74	74	76	74	70
B4G	72	72	75	73	69
B5G	63	63	65	63	60
C1L	102	102	102		
C2L	98	98	98	90	
C3L	89	89	89	87	
C4L	81	81	81	80	
C5L	71	71	72	69	
C1F	102	102	102		
C2F	98	98	98	90	
C3F	89	89	89	83	
C4F	82	82	82	81	
C5F	72	72	74	71	
C2D	69	69	70	68	
C3D	67	67	68	66	
C4D	64	64	65	64	
C5D	58	58	59	57	
C3M	75	75	76	75	
C4M	73	73	75	74	
C5M	62	62	63	62	
C3G	65	65	66	62	
C4G	60	60	62	61	
C5G	59	59	60	58	

Grade	Grade	
X1L	82	X3M 45
X2L	81	X4M
X3L	80	X4M 45
X4L	77	X5M
X5L	73	X5M 45
X1F	82	X3G
X2F	81	X3G 45
X3F	80	X4G
X4F	78	X4G 45
X5F	73	X5G
X1D	78	X5G 45
X2D	76	N1L
X3D	75	N1D
X4D	72	N1G
X5D	68	N2
X3M	72	

¹ Only the original producer is eligible to receive advances. Tobacco graded "W" (doubtful keeping order), "No-G" (no grade), "U" (unsound), or scrap will not be accepted. The Association is authorized to deduct \$1 per hundred pounds to apply against overhead cost.

§ 1464.18 1976-Crop — Kentucky-Tennessee Fire-Cured Tobacco, Types 22 and 23—Grade Loan Schedule.¹

Loan Rate

[Dollars per hundred pounds, farm sales weight]

Grade	Length				
	47	48	45	44	43
A1F	107	107	107		
A2F	102	102	102		
A3F	94	94	94		
A1D	107	107	107		
A2D	102	102	102		
A3D	94	94	94		
B1F	92	92	92	87	
B2F	88	88	88	84	
B3F	84	84	84	81	75
B4F	77	77	77	74	67
B5F	73	73	73	70	64
B1D	91	91	91	86	
B2D	87	87	87	83	
B3D	84	84	84	80	74
B4D	76	76	76	73	66
B5D	71	71	71	67	61
B3M	76	76	76	72	67
B4M	71	71	71	67	60
B5M	66	66	66	61	56
B3VF	76	76	76	72	65
B4VF	74	74	74	71	64
B5VF	70	70	70	67	60
B3G	76	76	76	72	64
B4G	71	71	71	67	59
B5G	66	66	66	61	56
C1L	93	93	93	89	
C2L	90	90	90	87	
C3L	86	86	86	82	76
C4L	82	82	82	79	73
C5L	79	79	79	77	70
C1F	91	91	91	87	
C2F	88	88	88	85	
C3F	85	85	85	82	75
C4F	80	80	80	77	70
C5F	78	78	78	74	67
C1D	94	94	94	89	
C2D	84	84	84	81	
C3D	79	79	79	76	70
C4D	72	72	72	70	64
C5D	69	69	69	67	60
C3M	77	77	77	74	68
C4M	72	72	72	71	65
C5M	70	70	70	68	59
C3VF	77	77	77	74	68
C4VF	74	74	74	72	66
C5VF	72	72	72	70	61
C3G	72	72	72	69	64
C4G	68	68	68	64	59
C5G	63	63	63	60	57

[Dollars per hundred pounds, farm sales weight]

Grade	Advance rate	Grade	Advance rate
X1L	79	X5D	64
X2L	77	X3M	68
X3L	75	X4M	65
X4L	70	X5M	62
X5L	68	X3VF	70
X1F	78	X4VF	67
X2F	76	X5VF	63
X3F	74	X3G	66
X4F	70	X4G	60
X5F	68	X5G	57
X1D	76	N1L	60
X2D	73	N1D	54
X3D	69	N1G	52
X4D	67	N2	46

¹ Only the original producer is eligible to receive advances. Tobacco graded "No-G" (no grade), "U" (unsound), or scrap will not be accepted. Tobacco graded "W" (doubtful keeping order) will be accepted at advance rates 20 percent below the advance rates otherwise applicable.

§ 1464.19 1976-Crop—Dark Air-Cured Tobacco, Types 35 and 36—Grade Loan Schedule.³

Loan Rate

[Dollars per hundred pounds, farm sales weight]

Grade	Length		
	46	45	44
A1F	95	95	
A2F	91	91	
A3F	85	85	
A1R	95	95	
A2R	91	91	
A3R	85	85	
B1F	88	88	85
B2F	83	83	82
B3F	79	79	77
B4F	73	73	72
B5F	67	67	66
B1R	87	87	85
B2R	82	82	81
B3R	77	77	76
B4R	72	72	71
B5R	67	67	66
B1D	87	87	85
B2D	82	82	81
B3D	77	77	76
B4D	72	72	71
B5D	67	67	66
B3M	73	73	72
B4M	68	68	67
B5M	61	61	60
B3G	72	72	71
B4G	68	68	67
B5G	61	61	60
C1L	88	88	87
C2L	86	86	85
C3L	82	82	81
C4L	75	75	74
C5L	65	65	63
C1F	88	88	87
C2F	84	84	83
C3F	80	80	78
C4F	75	75	74
C5F	66	66	64
C1R	86	86	85
C2R	83	83	82
C3R	77	77	75
C4R	69	69	68
C5R	61	61	60
C3M	73	73	72
C4M	65	65	64
C5M	60	60	59
C3G	74	74	72
C4G	66	66	65
C5G	59	59	58

Grade		Grade	
T3F	66	X4F	72
T4F	61	X5F	66
T5F	52	X1R	79
T3R	66	X2R	76
T4R	61	X3R	70
T5R	53	X4R	65
T3D	66	X5R	60
T4D	61	X3D	71
T5D	53	X4D	65
T3M	64	X5D	60
T4M	58	X3M	68
T5M	51	X4M	64
T3G	64	X5M	58
T4G	59	X3G	66
T5G	51	X4G	61
X1L	79	X5G	52
X2L	77	N1L	59
X3L	75	N2L	51
X4L	73	N1R	51
X5L	66	N2R	47
X1F	79	N1G	48
X2F	77	N2G	45
X3F	73		

³ Only the original producer is eligible to receive advances. Tobacco graded "No-G" (no grade), "U" (unsound), or scrap will not be accepted. Tobacco graded "W" (doubtful keeping order) will be accepted at advance rates 20 percent below the advance rates otherwise applicable. Grades marked with the special factor "BH" shall have an advance rate 20 percent below the advance rate otherwise applicable without such special factor. Type 35 grades marked with the special factor "BL" shall have an advance rate 20 percent below the advance rate otherwise applicable without such special factor. The advance rates for grades in "47 length" shall be

§ 1464.20 1976-Crop—Virginia Sun-Cured Tobacco, Type 37—Grade Loan Schedule.⁴

Loan Rate

[Dollars per hundred pounds, farm sales weight]

Grade	Length		
	46	45	44
A1F	92	92	90
A2F	88	88	85
A3F	85	85	82
A1R	92	92	89
A2R	88	88	85
A3R	85	85	82
B1F	89	90	83
B2F	86	88	84
B3F	78	81	79
B4F	72	76	74
B5F	63	63	63
B1R	89	90	84
B2R	86	88	84
B3R	78	81	79
B4R	70	73	70
B5R	63	64	61
B1D	88	88	83
B2D	87	87	82
B3D	77	77	76
B4D	67	68	67
B5D	61	63	60
B3M	71	73	70
B4M	66	69	66
B5M	59	61	60
B3G	70	74	71
B4G	64	67	63
B5G	60	60	58
C1L	87	88	80
C2L	81	82	77
C3L	79	80	77
C4L	71	74	70
C5L	62	64	60
C1F	88	88	81
C2F	82	83	80
C3F	80	82	79
C4F	73	76	73
C5F	65	68	67
C1R	85	85	79
C2R	79	79	75
C3R	69	70	67
C4R	64	66	63
C5R	57	58	57
C3M	66	69	68
C4M	60	64	61
C5M	55	59	57
C3G	57	59	57
C4G	54	57	56
C5G	49	51	49

Grade	Advance rate	Grade	Advance rate
T3F	62	X4F	67
T4F	60	X5F	58
T5F	54	X1R	74
T3R	62	X2R	73
T4R	60	X3R	66
T5R	55	X4R	63
T3D	60	X5R	55
T4D	58	X3D	61
T5D	52	X4D	55
T3M	59	X5D	49
T4M	57	X3M	70
T5M	51	X4M	66
T3G	62	X5M	64
T4G	60	X3G	66
T5G	54	X4G	61
X1L	73	X5G	57
X2L	72	N1R	45
X3L	69	N2R	37
X4L	65	N1G	45
X5L	58	N2G	32
X1F	74	N1L	43
X2F	73	N2L	36
X3F	70		

the same as those for such grades in "46 length".

⁴ Only the original producer is eligible to receive advances. Tobacco graded "W" (doubtful keeping order), "No-G" (no grade), "U" (unsound), or scrap will not be accepted. The association is authorized to deduct \$1 per hundred pounds to apply against overhead cost.

[FR Doc. 76-33293 Filed 11-11-76; 8:45 am]

CHAPTER XVIII—FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER A—GENERAL REGULATIONS

[FmHA Instruction 426.1]

PART 1806—INSURANCE

Subpart A—Real Property Insurance

INSURANCE REQUIREMENTS

Sections 17806.2 and 1806.4 of Subpart A of Part 1806, Title 7, Code of Federal Regulations (41) (FR) (34571) are amended. The purpose of this amendment is to clarify the insurance requirements for subsequent Farmer Program and Section 502 Rural Housing loans or subordinations to buy, build or rehabilitate essential buildings, and to revise and redesignate Exhibit B of this Subpart so that it will appear as Form FmHA 426-4, "Notice of Expiration of Insurance (For FP and Section 502 RH Borrowers)," when form is available in any FmHA Office.

These amendments are being published without notice of proposed rule-making inasmuch as they clarify existing insurance requirements under certain circumstances and redesignates Exhibit B with minor revisions to Form FmHA 426-4 and therefore public participation requirements prescribed by 5 U.S.C. 553 are unnecessary.

Accordingly, paragraphs (b) (5) and (c) of § 1806.2 paragraph (a) (2) (ii) of § 1806.4 and Form 426-4 are amended as set forth below.

§ 1806.2 Companies and policies.

* * * * *

(b) Insurance policies. * * *

(5) Submission of policies. The original policy or declaration page must be delivered to the County Supervisor by the borrower, except that a certificate of insurance, a copy of the policy, or other evidence of insurance is acceptable for loans which are secured by other than first liens if the mortgage clauses include the names of prior mortgagees. For FP and Section 502 RH loans the County Supervisor will not retain the insurance policy or declaration page after the loan has been outstanding for one year. The County Supervisor will return the insurance policy of FP and Section 502 RH borrowers and notify each borrower by using Form FmHA 426-4, "Notice of Expiration of Insurance (For FP and Section 502 RH Borrowers)" available in any FmHA office." of his continued responsibility to provide and maintain proper insurance. The County Supervisor will not, however, be responsible for further checking or monitoring to see that a FP and Section 502 RH borrower insures security property and will process a SF 1034, "Public Voucher for Purchases and Services Other Than Personal," to pay for insurance only in strict compliance with provisions of § 1806.6.

c) Evidence of premium payment. (1) When Form FmHA 426-2 is attached to or the provisions thereof are printed in the policy, or a blanket letter from an insurance company incorporating the provisions of Form FmHA 426-2 in all

policies in which the FmHA has a mortgage interest is in effect in accordance with paragraph (b)(11) of this section, no evidence of premium or assessment payment is required except for the first year of the loan. When a subsequent FP or Section 502 RH loan is made, or a subordination is granted by FmHA for a loan to build, buy or rehabilitate essential buildings, adequate insurance coverage, including coverage for property improved or to be improved with the subsequent loan, must be in force at the time of the closing.

§ 1806.4 Examining and general servicing of insurance.

- (a) * * *
- (2) *Expiration records and notices.*

(ii) FP and Section 502 RH borrowers will be informed, at least 30 days prior to the expiration of their initial insurance policy of their responsibility to carry insurance. Form FmHA 426-4 will be sent to these borrowers, regardless of whether there is evidence that the insurance has been renewed. Thereafter, the County Supervisor will not be required to further determine whether the borrower has adequately maintained insurance; however, if a further notice of expiration is received in the County Office, the County Supervisor will again notify the borrower by using Form FmHA 426-4 of his responsibility.

FORM FmHA 426-4—NOTICE OF EXPIRATION OF INSURANCE (FP AND SECTION 502 RH BORROWERS)

This will advise that the property insurance coverage on your dwelling and other essential buildings will lapse on _____ (date)

Although the Farmers Home Administration (FmHA) no longer requires that your original policy or other evidence of insurance be retained in your county office file, this does not in any way lessen your responsibility to the Government.

The real estate mortgage or deed of trust you signed at the time the loan was made required that you continually maintain property insurance in amounts and on terms and conditions satisfactory to the FmHA until the loan is repaid. Failure to provide accepta-

ble insurance and list FmHA on the policy as mortgagee violates a condition in the security instrument you signed when you received your loan and may result in the FmHA taking action to protect its interest in your property.

COUNTY SUPERVISOR.

(7 U.S.C. 1989; 42 U.S.C. 1480; 42 U.S.C. 2942; Sec. 10 Pub. L. 93-357, 88 Stat. 392; delegation of authority by the Sec. of Agr., 7 CFR 2.23; delegation of authority by the Asst. Sec. for Rural Development, 7 CFR 2.70; delegations of authority by Dir., OEO 29 FR 14764, 33 FR 9850.)

Effective date. This amendment is effective November 12, 1976.

Dated: November 1, 1976.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.76-33294 Filed 11-11-76;8:45 am]

[FmHA Instruction 452.1]

**SUBCHAPTER E—ACCOUNT SERVICING
PART 1867—REAMORTIZING AND
RENEWING OPERATING LOANS**

Account Servicing

On page 35532 of the FEDERAL REGISTER dated August 23, 1976, there was published a notice of proposed rulemaking to revise § 1867.3 (b) and 1867.9 of Part 1867 of Title 7, Code of Federal Regulations (40 FR 13203). Paragraph (b) of § 1867.3 is revised to amend the eligibility requirements for reamortizing and renewing operating loans and § 1867.9 is revised to delete the requirement that the combined operating loan and emergency loan principal balances not exceed the loan approval official's approval authority.

Interested persons were invited to submit written comments, suggestions, data or arguments. No unfavorable comments have been received and as a result § 1867.3 as proposed is hereby adopted without change. However, the amendment of § 1867.9 on September 30, 1976 (41 FR 43161), for the same purpose as stated above, supersedes the proposal, referred to above, dated August 23, 1976 (41 FR 35532). Therefore, the proposed amendment of § 1867.9 is withdrawn. As proposed, § 1867.3 (b) is hereby adopted

without change; § 1867.9 is amended by incorporating certain editorial changes. Because the changes are only editorial, publication of § 1867.9 as a proposed rule is unnecessary. § 1867.3 (b) and § 1867.9 now read as follows:

§ 1867.3 Eligibility requirements.

(b) Other operating loans. * * *

(1) The borrower has made an extra payment from sale of basic security or refund which will result in a significantly reduced income for the remaining period of the loan; and

(2) The approving official determines that the borrower cannot reasonably be expected to meet the repayment schedule in the original note(s); and

(3) The borrower's plan for the next operating year (or typical year if the next year will not be typical) shows that he can realistically meet the terms of the proposed payment schedule on the reamortized or renewed note under the conditions which will likely prevail; and

(4) The justification for the reamortization or renewal is fully documented in the running case record.

§ 1867.9 Approval authority.

Loan approval officials are hereby authorized to approve the reamortization or renewal of Operating loans subject to the policies within this regulation, and provided the principal amount owed on the Operating loan note being reamortized or renewed plus the outstanding total principal balance owed by the borrower on the Operating loans does not exceed the loan approval official's authority shown in Subpart B of Part 1810 of this Chapter.

(7 U.S.C. 1989; delegation of authority by the Sec. of Agr., 7 CFR 2.23; delegation of authority by the Asst. Sec. for Rural Development, 7 CFR 2.70)

Effective date: This amendment is effective November 12, 1976.

Dated: November 2, 1976.

FRANK B. ELLIOTT,
Administrator, Farmers
Home Administration.

[FR Doc.76-33295 Filed 11-11-76;8:45 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 905]

HANDLING OF ORANGES, GRAPEFRUIT, TANGERINES AND TANGELOS GROWN IN FLORIDA

Notice of Proposed Rulemaking With Respect to Approval of Expenses and Rate of Assessment for 1976-77 Fiscal Period

This notice invites written comment relative to the proposed expenses of \$151,000 and rate of assessment of \$0.004 per standard packed box of fruit to support the activities of the Growers Administrative Committee for the 1976-77 fiscal period under Marketing Order No. 905.

Consideration is being given to the following proposals submitted by the Growers Administrative Committee, established under the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), as the agency to administer the terms and provisions thereof:

(a) That expenses that are reasonable and likely to be incurred by the Growers Administrative Committee during the period August 1, 1976, through July 31, 1977, will amount to \$151,000.

(b) That the rate of assessment for such period, payable by each handler in accordance with § 905.41, be fixed at \$0.004 per standard packed box of fruit.

(c) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals should file the same, in quadruplicate, with the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than December 1, 1976. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: November 8, 1976.

CHARLES R. BRADER,
Deputy Director, Fruit and
Vegetable Division Agricultural
Marketing Service.

[FR Doc.76-33297 Filed 11-11-76;8:45 am]

[7 CFR Part 945]

IRISH POTATOES GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREGON

Notice of Proposed Expenses and Rate of Assessment

Consideration is being given to authorizing the Idaho-Eastern Oregon Potato Committee to spend \$52,833.35 for its operations during the fiscal period ending May 31, 1977, and to collect \$0.0026 per hundredweight on assessable potatoes handled by first handlers under the program. The expenses of \$52,833.35 are \$10,000 above the amount set forth in a notice of proposed expenses published on June 22. The committee met on October 19, 1976, and voted unanimously to spend an additional \$10,000 for a retirement fund for its staff to be funded from the reserve.

The committee is the administrative agency established under Marketing Agreement No. 98 and Order No. 945, both as amended (7 CFR Part 945), regulating the handling of Irish potatoes grown in Idaho and Malheur County, Oregon. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

All persons who desire to submit written data, views, or arguments in connection with these proposals shall file the same, in duplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112-A, Washington, D.C. 20250, not later than November 29, 1976. All written comments will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposals are as follows:

§ 945.229 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred during the fiscal period ending May 31, 1977, by the Idaho-Eastern Oregon Potato Committee, for its maintenance and functioning, and for such purposes as the Secretary determines to be appropriate, will amount to \$52,833.35.

(b) The rate of assessment to be paid by each handler in accordance with this part, shall be \$0.0026 per hundredweight or equivalent quantity of assessable potatoes handled by him as the first handler during the fiscal period.

(c) Unexpended income in excess of expenses for the fiscal period may be carried over as a reserve to the extent authorized in § 945.44(b).

(d) Terms used in this section shall have the same meaning as when used in the marketing agreement and this part.

Dated: November 8, 1976.

CHARLES R. BRADER,
Deputy Director, Fruit and Veg-
etable Division, Agricultural
Marketing Service.

[FR Doc.76-33296 Filed 11-11-76;8:45 am]

Rural Electrification Administration

[7 CFR Part 1701]

RURAL TELEPHONE PROGRAM

Engineering Services and Contract Construction

Notice is hereby given that, pursuant to the Rural Electrification Act, as amended (7 USC 901 et seq.), REA proposes to issue a memorandum (File With REA Bulletins 341-3 and 381-8) which outlines a number of complaints REA has received relating to engineering services and contract construction being performed on REA telephone projects and the steps and procedures that are to be inaugurated to remedy them. On issuance of the proposed memorandum, Appendix A to Part 1701 will be modified accordingly.

Persons interested in the memorandum may submit written data, views or comments to the Director, Telephone Operations and Standards Division, Rural Electrification Administration, Room 1355, South Building, U.S. Department of Agriculture, Washington, D.C. 20250, not later than 30 days from the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Director, Telephone Operations and Standards Division during regular business hours.

The text of the proposed memorandum is as follows:

FILE WITH REA BULLETINS 341-3 AND 381-8

Subject: Complaints Concerning Engineering Services and Contract Construction.

To: REA Telephone Borrowers, Consulting Engineers and Contractors.

Numerous complaints have been received concerning the performance of engineering services and construction on REA-financed telephone projects. These complaints reflect the necessity for all concerned (REA Borrowers, Consulting Engineers, and Contractors) to take immediate steps to eliminate the problems being encountered:

1. Borrowers shall: 1. Carefully screen applicants before making selection of the firm to perform their engineering services. Special attention should be given to sufficiency of experienced personnel and equipment, present workload and past performance.

2. Make themselves fully aware of their responsibility to provide certain information to the Engineer under the terms of the Engineering Service Contract, REA Form 217 (hereinafter referred to as the "Engineering Service Contract").

3. Make themselves fully aware of the responsibilities of the Engineer under the terms of the Engineering Service Contract.

4. Supervise and work closely with the Engineer to ascertain that the results of his work are satisfactory.

5. Refrain from having Engineers perform non-engineering services. It is unreasonable to pay engineering fees for non-engineering work.

6. Secure to the maximum extent possible rights-of-way permits and easements prior to and during the staking of the Project to enable the engineering and construction activities to proceed without delay. The responsibility for the procurement of permits and easements rests with the "Borrower." Prior to the time of procurement, the Engineer must furnish maps to the Borrower showing the approximate location of the project lines.

7. Determine that all staking required under Paragraph 19, "Owner Represents", in the Notice and Instructions to Bidders contained in Telephone Systems Construction Contract, REA Form 511 (hereinafter referred to as the "Construction Contract"), has been completed prior to issuing notices to Bidders. To accomplish this, Engineering Service Contracts entered into on or after February 1, 1977, shall require Engineers to furnish to the Borrowers, prior to issuance of the Notice and Instructions to Bidders, a certified statement that such staking has been completed.

8. Determine, with the advice of their Engineers, prior to opening bids whether Bidders are qualified to do the type of construction included in the Plans and Specifications. There are many new contractors now bidding on REA-financed telephone projects. Some may have no experience in buried plant construction. In such instances, it is crucial that Borrowers have sufficient evidence of the Bidder's qualifications to perform the plowing of wire and cable.

9. Maintain adequate records of quantity and cost of any materials furnished by the Borrower for construction.

10. Anticipate requirements and requisition funds in sufficient time to promptly meet all payments to Engineers and Contractors when due.

11. Include in all Engineering Service Contracts entered into on or after February 1, 1977, an addendum containing the following provisions:

1. The Engineer shall submit to the Owner a certified statement that the staking required under Article VII, section 3(a) of this Agreement has been completed. The Engineer shall not release the Plans and Specifications for bidding until such certified statement has been submitted. The Engineer understands that a copy of the certified statement will be submitted to the Government and that misrepresentations in its certified statement may constitute violations of 18 U.S.C. 1001 and 31 U.S.C. 231, as amended, which could result in criminal penalties.

2. The Engineer shall prepare and furnish staking sheets to Bidders upon request therefor in accordance with the terms of the Telephone System Construction Contract (REA Form 511).

3. The provisions set forth herein supersede any provisions of this Agreement inconsistent therewith.

REA may, in individual cases, authorize and approve deviations from the aforesaid provisions.

12. Include in all Construction Contracts released for bidding on or after February 1, 1977, an addendum containing the following provisions:

1. Prior to the submission of the Proposal, the Bidder shall obtain a set of staking sheets which may be obtained from the Engineer at the Engineer's office at _____ upon payment of \$1.00 per set. Bidder shall make and shall be deemed to have made a careful examination of the staking sheets.

2. The Contractor acknowledges that the quoted contract price includes compensation for cable lengths discarded at reel-ends; provided, however, that the Contractor shall be entitled to additional compensation where the Engineer specifies a housing or splice location which results in discarded cable at reel-ends and the length of such discarded cable (1) is longer than 25 feet but does not exceed 200 feet and the cable size is 75 pairs through 200 pairs or (2) is longer than 10 feet but does not exceed 100 feet and the cable size is 300 pairs or larger. Such additional compensation shall be computed on the basis of the length of the discarded segment times the unit material price for the item specified in this Contract. The Owner shall be entitled to such discarded segment of the cable.

3. The Contractor shall perform directly, and without subcontracting, not less than 50 percent of the labor required for the construction of the Project, to be calculated on the basis of that portion of the contract price constituting total labor costs of the Project.

4. Delivery to the Project Site of cable and wire materials for Assembly Units BJ, BJF, BKBF, BWF, C, DW, U, and UF shall not be deemed "construction accomplished" which entitles Contractor to payment pursuant to the terms of Article III Section 1(a): *Provided, however*, That payments to the Contractor for such cable and wire materials delivered from time to time may be made to the extent that the aggregate amount of all such payments shall not exceed \$250,000.

5. The provisions set forth herein supersede any provisions contained in the Telephone System Construction Contract inconsistent therewith.

REA may, in individual cases, authorize and approve deviations from the aforesaid provisions.

II. *Borrower's Engineer.* A. The Engineer's obligations under the Engineering Service Contract include:

1. Completing staking on (a) all modifications of existing lines, (b) all buried town plant, (c) all underground plant, (d) all removal units where existing lines are to be removed, and (e) all cable and distribution wire facilities six pair or larger, prior to the release of Plans and Specifications to Bidders.

2. Being available to each prospective Bidder for consultation with respect to the details of the Plans and Specifications and all other matters pertaining to the preparation of the Proposals for construction. It may be desirable for the Engineer to set up a pre-bid conference for all interested Bidders in order to make more efficient use of manpower of Bidders, Borrowers and Engineers.

3. Conducting the outside plant pre-construction conference in accordance with the requirements of Article X Section 4 of the Engineering Service Contract. A competent representative from the office of the Engineer, and the Resident Engineer to be assigned to the Project, are required to attend and preside over the meeting. This conference is an essential phase of the construction program and should be treated as such. It provides an opportunity for all the parties to

¹ Price to be inserted should be not less than \$15 nor more than \$50.

discuss and resolve controversial items and to review various aspects of the construction activities.

B. Under the terms of Engineering Service Contracts entered into on or after February 1, 1977, the Engineer's obligations will include:

1. Submitting to the Borrower and REA, prior to the issuance of Notice and Instructions to Bidders, a certified statement that all the aforesaid staking has been completed.

2. Providing copies of the staking sheets to Bidders upon request therefor in accordance with the terms of the Construction Contract. Construction Contracts released for bidding on or after February 1, 1977, will require a Bidder to obtain staking sheets from the Engineer prior to submitting a bid. The cost per set of such staking sheets shall be in accordance with the price specified in the contract but should not be less than \$15 per set nor more than \$50 per set.

C. A program to assist Engineers in complying with their obligations under the Engineering Service Contract should include:

1. The maintenance of a sufficient staff of qualified personnel, in order to render diligently and competently all the engineering services required under the Engineering Service Contract. Care should be taken to not extend the workload beyond the capabilities of the staffs.

2. Careful consideration, when taking, of the adequacy of the rights-of-way obtained for the proposed construction. The rights-of-way may not be satisfactory from a construction standpoint because of poor routing. This could result in insufficient room for the plow train which can cause construction problems such as heavy clearing, hazardous plowing conditions, encountering of rock, swampy soil, and possible damage to roadway or lawns, etc. The Engineer should discuss such conditions with the Borrower so that an attempt can be made to either procure additional rights-of-way or to relocate the proposed section of line to a satisfactory location.

3. Close supervision to reduce engineering errors during staking. Complete and accurate staking, including the physical placement of stakes where needed, should alleviate the number of complaints being received. Reference should be made to the specific considerations involved in the staking of aerial and buried plant set forth in sections 626 and 642 of the REA Telephone Engineering and Construction Manual.

4. Clear notation on the staking sheets of the depth of plowing where sections of line are to be plowed to a greater depth than the required minimum depth shown in the Proposal. These extra depth assembly units should also be included in the bid quantities specified in the Proposal and should be identified by the suffix "E" followed by the specified depth in inches.

5. More careful preparation of Plans and Specifications. No changes, including amendments and supplements, to the Construction Contract are permitted without the approval of REA. Borrowers are required to submit Construction Contracts on the standard REA Form of Construction Contract, REA Form 511, and non-standard assembly units or explanatory notes are not permitted; provided, however, that REA may in individual cases specifically approve a contract containing non-standard assembly units or explanatory notes. Generally, modification of the standard REA Construction Contract is not necessary and may result in disadvantages to the Borrower. Where alternate bids are requested, the scope of the alternate(s) should be clear. Preparation of drawings of central office cable entrance assembly units should include in detail the material to be furnished and the labor to be performed by the Bidder.

6. Close supervision of construction to reduce construction errors.

7. Inspection and inventory of total routes as construction is completed.

8. Submission of corrected staking sheets when the final inspection and inventory is made of a particular section.

9. Maintenance of accurate and current inventories of completed construction.

10. The establishment and maintenance of a schedule for submission of closeout documents to REA.

III. Contractors—A. The Notice and Instructions to Bidders requires, among other things, that Bidders bidding on Construction Contracts:

1. Make a careful examination, prior to the submission of a bid, of the site of the Project to be constructed and of the Plans, Specifications, Staking Sheets, Construction Drawings and Descriptions of the Assembly Units and become informed as to the location and nature of the proposed construction, transportation facilities, the kind and character of soil and terrain to be encountered, the kind of facilities required before and during the construction of the Project, general local conditions and all other matters that may affect the cost and the time of completion of the Project.

2. File Qualifications with the Engineer on forms supplied by the Engineer where the Bidder has not already completed any Construction Contracts for REA borrowers which included the type of construction proposed in the Plans and Specifications. If the Project involves the construction of buried plant, a Bidder may be required to give evidence that he is qualified to perform the plowing of cable and wire.

3. Be responsible where construction of buried plant is involved for ascertaining that the equipment, methods of construction and repair proposed to be used on the Project, will meet all requirements of public authorities having jurisdiction over highway and road right-of-way. The successful Bidder is required to furnish proof satisfactory to the Borrower of compliance with this requirement.

B. Under the Construction Contract the Contractor is required to: 1. Cause the construction work on the Project to receive constant supervision by a competent superintendent who shall be present at "all" times during working hours where construction is being carried on. The Contractor shall also employ, in connection with such construction of the Project, capable, experienced and reliable foremen and such skilled workmen as may be required for the various classes of work to be performed.

2. Obtain materials to commence and maintain construction of the Project, prosecute diligently and to complete the construction within the specified construction period.

3. Perform any pre-ripping which may be required to place cable at the required depth without additional compensation. In those instances where the Borrower's Engineer determines that an unusual situation exists which would justify payment of additional compensation for pre-ripping, the Plans and Specifications may provide for such compensation, provided, however, REA approves the Plans and Specifications to be used prior to their release for bidding. Contractors are required to carefully examine the site of the Project and become informed on the kind and character of soil and terrain that will be encountered before bidding the Project. Thus, the Contractor has the opportunity to consider his findings in the development of prices for wire and cable assembly units.

4. Not enter into a subcontract with any subcontractor for the performance of any part of the Construction Contract without

the approval of the Borrower and REA and the consent of the surety. REA Bulletin 381-10 sets forth the procedures for entering into subcontracts.

C. Under the terms of Construction Contracts submitted for bidding on or after February 1, 1977:

1. Delivery to the Project Site of cable and wire materials for Assembly Units BJ, BJJ, BKBF, BWF, C, DW, U and UF will not entitle Contractor to payment pursuant to the terms of Article III, section 1(a) of the Construction Contract; provided, however, that payments to the Contractor for such delivered cable and wire materials prior to their incorporation in the Project may be made to the extent that such payments shall not exceed \$250,000. After the incorporation of such materials in the Project, the Contractor will be entitled to payments in accordance with the terms of Article III, section 1(a).

2. Compensation for cable lengths discarded at reel-ends is included in the quoted contract price and the Contractor is not entitled to additional compensation; however, provision is made for additional compensation where the Engineer specifies a housing or splice location which results in discarded cable at reel-ends and the length of such discarded cable (1) is longer than 25 feet but does not exceed 200 feet and the cable size is 75 pairs through 200 pairs or (2) is longer than 10 feet but does not exceed 100 feet and the cable size is 300 pairs or larger. Such additional compensation will be computed on the basis of the length of the discarded segment times the unit material price for the item specified in the Construction Contract. The Owner will be entitled to such discarded segment of the cable.

3. Subcontracting of 50 percent or more of the labor required for the construction of the Project will be prohibited.

D. A program to assist Contractors in complying with their obligations under the Construction Contract should include:

1. Sending the superintendent assigned to the Project and a competent representative from the office of the Contractor to participate in the pre-construction conference. Items requiring clarification should be discussed at this meeting. Resolution of such items at that time would eliminate potential problems, delays and misunderstandings during the construction period.

2. Correction of construction errors as construction progresses.

3. Completion of cleanup work by sections as the construction is completed.

4. Maintenance of an accurate inventory of completed construction.

5. Maintenance of an accurate record of materials received from Borrowers.

6. Prompt performance of any cleanup work required after final inspection.

7. Prompt submission of the releases of liens.

8. Ensuring that subcontractors are fully qualified. Contractors should note that the prime contractor's superintendent should be present at all times when construction is being carried on, even during those times when only a subcontractor is working. The Contractor bears full responsibility for the acts and omissions of the subcontractor(s).

All parties are requested to make a special effort to resolve their differences at the site of the Project. If agreement cannot be reached, details of the question or problem should be submitted to either the Interpretations Committee for the Postloan Engineering Service Contract, Form 217, or the Interpretations Committee for the Telephone System Construction Contract, Form 511, whichever is appropriate, for their consideration.

An extremely large REA-financed construction program is contemplated in the years ahead. Accordingly, it is essential that the procedures and suggestions set forth herein be followed in order to prevent or minimize construction problems.

Dated: November 3, 1976.

DAVID A. HAMILL,
Administrator.

[FR Doc. 76-33014 Filed 11-11-76; 8:45 am]

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

[8 CFR Parts 204, 205, 211, 212, and 245]

IMPLEMENTATION OF THE IMMIGRATION AND NATIONALITY ACT AMENDMENTS OF 1976 (PUBLIC LAW 94-571 ENACTED OCTOBER 20, 1976)

Notice of Proposed Rule Making

Pursuant to section 553 of Title 5 of the United States Code (80 Stat. 383), notice is hereby given of the proposed amendments of Parts 204, 205, 211, 212, and 245 of Chapter I of Title 8 of the Code of Federal Regulations. These proposed amendments are made necessary by the enactment into law of the Immigration and Nationality Act Amendments of 1976 (Pub. L. 94-571) on October 20, 1976.

A. AMENDMENTS TO EXISTING LAW

Pub. L. 94-571, which becomes effective January 1, 1977, makes a number of changes in existing provisions of the Immigration and Nationality Act (8 U.S.C. 1101, et seq.). The major changes are briefly summarized below.

1. Amended section 101(a) (27) (A) (8 U.S.C. 1101(a) (27) (A)) deletes an immigrant who was born in any independent country of the Western Hemisphere or in the Canal Zone and the Spouse and children of any such immigrant if accompanying, or following to join him from the class of immigrants classified as "special immigrants" and also deletes the proviso from existing section 101(a) (27) (A).

2. Amended section 201 (8 U.S.C. 1151) places a limitation of 120,000 on the number of aliens born in any foreign state of the Western Hemisphere or in the Canal Zone or in a dependent area located in the Western Hemisphere who may be issued immigrant visas or may otherwise acquire the status of an alien lawfully admitted for permanent residence, or who may enter this country conditionally pursuant to section 203 (a) (7) (8 U.S.C. 1153(a) (7)). The amendment also deletes paragraphs (c), (d), and (e) of the existing section 201.

3. Amended section 202 (8 U.S.C. 1152) deletes the second proviso in paragraph (a); increases to 600 the number of immigrant visas which may be made available to immigrants born in a colony or other component or dependent area of a foreign state, overseas from the foreign state, and sets forth rules for the visa limitation chargeability when such visas are issued; and adds a new subsection (e)

which provides generally that whenever the maximum number of visas or conditional entries have been made available to natives of any single foreign state or any dependent area, that as to that foreign state or dependent area, visa numbers will be allocated under a preference system similar to that provided in amended section 203(a) during the next fiscal year. (New section 203(e)(1) through (8)).

4. Amended section 203(a) (8 U.S.C. 1153(a)) adds a new requirement, that for an alien seeking preference classification under section 203(a)(3) (8 U.S.C. 1153(a)(3)) to qualify for such classification, his services in the professions, sciences or arts must be sought by an employer in the United States. Amended section 203(a) also requires that a U.S. citizen seeking preference classification under section 203(a)(5) (8 U.S.C. 1153(a)(5)) for an alien brother or sister must be at least 21 years of age. The effect of placing natives of the Western Hemisphere, Canal Zone, and dependent areas located in the Western Hemisphere in section 201(a), and the reference to them in section 203(a) is to make those aliens eligible for allotment of visas or authorizations of conditional entry as set forth in section 203(a).

5. Amended section 203(e) (8 U.S.C. 1153(e)) provides that the Secretary of State shall terminate the registration on a visa waiting list of an alien who fails to apply for the visa within one year after notification of its availability. It also provides that upon such termination, the approval of any visa petition approved pursuant to section 204(b) (8 U.S.C. 1154(b)) would be automatically revoked.

6. Amended section 204 (8 U.S.C. 1154) adds a new paragraph (f) which applies the provisions of section 204 to qualified immigrants specified in paragraphs (1) through (6) of section 202(e).

7. Amended section 211 (8 U.S.C. 1181) inserts the proper legal citation for returning resident immigrants to conform to amended section 101(a)(27)(A).

8. Amended section 212(a)(14) (8 U.S.C. 1182(a)(14)) makes certain amendments concerning qualifications for eligibility to obtain labor certifications for aliens who are members of the teaching profession or who have exceptional ability in the sciences or arts. The amendment also strikes the reference in the section to "special immigrants defined in section 101(a)(27)(A) (other than the parents, spouses or children of United States citizens lawfully admitted to the United States for permanent residence)," but retains the requirement that preference immigrant aliens described in section 203(a)(3) and (6) and nonpreference immigrant aliens described in section 203(a)(8) must obtain a labor certification.

9. Amended section 212(a)(24) (8 U.S.C. 1182(a)(24)) removes aliens described in amended section 101(a)(27)(A) and aliens born in the Western Hemisphere from excludability under this provision.

10. Amended section 241(a)(10) (8 U.S.C. 1251(a)(10)) removes from the classes of deportable aliens under this section, aliens described in section 101(a)(27)(A) and aliens born in the Western Hemisphere.

11. Amended section 244(d) (8 U.S.C. 1254(d)) deletes the reference to aliens entitled to special immigrant classification under section 101(a)(27)(A).

12. Amended section 245 (8 U.S.C. 1255) changes existing law by establishing the requirement that to be eligible for section 245 relief, an immigrant visa must be immediately available to the applicant at the time the section 245 application is filed. The amended section also provides that section 245 is not applicable to an alien who, after January 1, 1977, continues in or accepts unauthorized employment prior to filing an application for adjustment of status, or to an alien admitted in transit without visa under section 212(d)(4)(C) of the Act (8 U.S.C. 1182(d)(4)(C)).

13. The provisions of existing section 245(c) (8 U.S.C. 1255(c)) have been deleted entirely, and as a result, on and after January 1, 1977, a native of any country of the Western Hemisphere or of any adjacent island named in section 101(b)(5) of the Act (8 U.S.C. 1101(b)(5)) will be eligible to adjust his status to that of a lawful permanent resident while in the United States.

In addition to the amendments made to the provisions of the Immigration and Nationality Act, Pub. L. 94-571 repeals section 21(e) of the Act of October 3, 1965. This legislation also amends the Act of November 2, 1966, to provide that the Secretary of State shall not be required to reduce the number of visas authorized to be issued to any class when the status of a Cuban refugee is adjusted to that of a lawful permanent resident pursuant to section 1 of that Act, provided he has been physically present in the United States on or before January 1, 1977.

Finally, section 9 of Pub. L. 94-571 contains a savings clause which provides generally that nothing in these amendments shall operate to affect the entitlement to immigrant status, order of consideration for an immigrant visa, or the priority date acquired by an alien prior to the effective date of this legislation (January 1, 1977).

In the light of the foregoing, it is proposed to amend the above-indicated Parts of Chapter I of Title 8 of the Code of Federal Regulations as described and set forth below:

B. DESCRIPTION OF PROPOSED AMENDMENTS TO CODE OF FEDERAL REGULATIONS

1. *Proposed amendments to Part 204.* It is proposed to amend § 204.1(a) for the purpose of making minor editorial changes and by deleting existing sentences eight and nine which refer to natives of the Western Hemisphere and the Canal Zone because when Pub. L. 94-571 becomes effective those aliens will be eligible for preference immigrant classification under section 203(a) in the same manner as are natives of the Eastern

Hemisphere under present law. It is proposed to amend § 204.1(c)(1) to insert the proper citation for the proposed immigrant labor certification regulations of the Department of Labor (20 CFR Part 656), and delete the references to Forms MA 7-50A and MA 7-50B and refer to those forms by title only since the Department of Labor proposes to change the numbers. It is also proposed to revise the fourth sentence to provide that before a third preference petition may be accepted and considered properly filed, the petition must be accompanied by both the Statement of Qualifications of Alien, and the Job Offer for Alien Employment. This latter requirement is now being imposed on third preference aliens because under section 203(a)(3) as amended, such aliens' services must be sought by an employer in the United States. The fourth sentence is being amended further to delete the reference to beneficiaries who are qualified as members of the professions, or having exceptional ability in the sciences or arts, because under the Department of Labor's proposed amended Schedule A, aliens of exceptional ability in the sciences or arts who will substantially benefit prospectively the national economy, cultural interests or welfare of the United States have been included therein.

It is also proposed to delete the fifth sentence which refers to petitions to accord natives of the Western Hemisphere and the Canal Zone preference classification under sections 203(a)(3) and (6), and the alternate chargeability rules, because now such aliens will be eligible for third and sixth preference classifications without need for alternate chargeability. Finally, it is proposed to add a sentence to § 204.1(c)(1) to provide that petitions for both third and sixth preference shall be filed in the office of the Service having jurisdiction over the alien's place of intended employment in the United States. This requirement is to be imposed on third preference aliens because under the amended law, their services must be sought by an employer in the United States. § 204.1(c)(1) will continue to provide that the labor certification may be omitted if the beneficiary is qualified for and will be engaged in an occupation listed in Schedule A (20 CFR Part 656). In the light of the addition of the above sentence to § 204.1(c)(1), it is proposed to revoke existing § 204.1(c)(2) since, under the circumstances, it would be redundant. It is further proposed to redesignate existing subparagraphs (3), (4), and (5), as (2), (3), and (4). It is proposed to amend redesignated § 204.1(c)(2) by deleting the reference to the date of April 1, 1971, wherever it appears, and to revise the provision to provide that except for occupations listed in Schedule A, the filing date for a third or sixth preference petition shall be the date the request for certification was accepted for processing by any office within the employment service system of the Department of Labor; and where the occupation is listed in Schedule A, the priority date shall be the date the petition was

properly filed with the appropriate Service office. Finally, it is proposed to amend redesignated § 204.1(c)(3) to provide that a visa petition may be filed by an employer to accord sixth preference classification to an alien whose occupation is listed in Schedule A.

The language in that subparagraph referring to aliens who are members of the professions or who have exceptional ability in the sciences or the arts is proposed to be deleted to conform with the Labor Department's proposed revision of Schedule A published in 20 CFR Part 656. In § 204.2(e)(1) it is proposed to amend the first sentence by deleting the references to Forms MA 7-50A and B and refer to the forms by title only since the Labor Department proposes to change the numbers. The sentence is being revised to require the alien to submit a Job Offer for Alien Employment to establish his eligibility for third preference classification because section 203(a)(3) of the Act as amended requires that the services of a third preference alien be sought by an employer in the United States. It is proposed to amend § 204.2(e)(4) to include the amended citation for the Labor Department's immigrant labor certification regulations (20 CFR Part 656). It is also proposed to amend the fourth sentence by revising it to provide that where an alien's occupation is not listed in Schedule A, his employer or prospective employer may apply for the required labor certification by submitting the appropriate forms to the local office of the State Employment Service serving the area of intended employment. This amendment is being made in conformance with the proposed regulations of the Labor Department concerning immigrant labor certification. It is proposed to revoke § 204.2(e-1), including paragraphs (1) through (5) because under the recent amendments to the Act, Western Hemisphere natives will be eligible for visa preference classification in their own right obviating need for the application of provisions for alternate chargeability. In § 204.4(a), it is proposed to amend the paragraph by revising it to include a reference to section 203(e) of the Act, as amended which concerns automatic revocation of the approval of visa petitions.

It is proposed to amend § 204.4(b) to include a reference to section 203(e) of the Act, as amended. It is also proposed to amend that paragraph to provide that for a third (as well as sixth) preference petition, the petition will remain valid for as long as the supporting labor certification is valid and unexpired provided there is no change in the respective intentions of the prospective employer, and the beneficiary will be employed by the employer in the capacity indicated in the job offer. It is proposed to amend § 204.4(c) by revising the paragraph to provide that when the original visa petition has been revoked under section 203(e), as amended, submission of a subsequent petition by the same petitioner for the same beneficiary will not operate to reaffirm or reinstate the validity of the original petition. It is proposed to amend

§ 204.5(a)(1) by placing a period after the word "marries" in the second sentence, and deleting the remainder of the language which follows that refers to natives of the Western Hemisphere and Canal Zone, and the alternate chargeability rules. Under the amendments to the Act this language is no longer applicable. It is proposed to amend § 204.5(b) by placing a period after the word "unmarried", and deleting the language respecting natives of the Western Hemisphere and the Canal Zone which follows, for the same reasons indicated respecting § 204.5(a), above. It is proposed to amend § 204.6 by adding a new paragraph (a), and by redesignating the present text of § 204.6 as paragraph (b) thereof, with certain changes. New paragraph (a) sets forth the effect of changed employment on the priority date of a third preference petition including the conditions under which such petitions shall be deemed invalid; the effect of a new offer of employment and subsequent petition on a third preference alien's priority date; and the conditions under which the original petition shall be considered to be reinstated, with restoration of the original priority date. The paragraph also provides that where the original petition was revoked under section 203(e) of the Act, as amended, the petition cannot be reinstated nor can the original priority date be restored.

It is proposed to amend § 204.6(b) respecting effect of changed employment on sixth preference priority date by providing that the provisions of paragraph (b) shall not apply to reinstate the petition or restore the original priority date where the original petition was revoked under section 203(e) of the Act, as amended. It is proposed to amend Part 204 by adding thereto a new § 204.7 which will provide that in order for an alien to be eligible for the benefits of the savings clause contained in section 9 of Pub. L. 94-571, the alien must show that the facts established prior to January 1, 1977 upon which the entitlement to such benefits was based, continue to exist.

2. *Proposed amendments to Part 205.* In § 205.1, it is proposed to include a reference to Part 203(e), as amended, respecting automatic revocation of approval of visa petitions. In § 205.1(a)(2), it is proposed to delete the words "petitioner or", and add a new § 205.1(a)(3) which will provide that a relative visa petition will not be automatically revoked upon the death of the petitioner. It is proposed to redesignate existing §§ 205.1(a)(3), (4), (5), (5a), and (6), to read §§ 205.1(a)(4), (5), (6), (7), and (8), respectively. In this connection it is also proposed to amend redesignated §§ 205.1(a)(5) and (6) by deleting therefrom the references to beneficiaries who are natives of the Western Hemisphere and to the alternate chargeability provisions. These amendments are being made to comply with Pub. L. 94-571 which will make Western Hemisphere natives eligible for visa preference classification. Existing § 205.1(a)(9) will be revoked for the reason indicated above. In § 205.1(b), it is proposed to amend subparagraphs (1),

(3), and (5), and revoke subparagraphs (6) and (7). § 205.1(b)(1) will be amended to update the CFR reference to conform to the current citation of the Department of Labor (20 CFR Part 656), and provide that the third or sixth preference petition will be automatically revoked upon invalidation of the labor certification because Labor Department regulations concerning labor certifications will make them valid indefinitely. In § 205.1(b)(3), it is proposed to amend the rule to provide that petitioner's notice of withdrawal will automatically revoke the petition. In § 205.1(b)(5), it is proposed to amend the subparagraph by striking the words "in a sixth preference case" thus making termination of the employer's business ground for automatic revocation of third and sixth preference petitions. This amendment is necessary because the services of a third preference beneficiary must be sought by an employer in the United States under section 203(a)(3), as amended. §§ 205.1(b)(6) and (7) are to be revoked because they are unnecessary in the light of the recent amendments which will permit natives of the Western Hemisphere to file preference visa petitions. In § 205.1(d), subparagraph (d) will be redesignated subparagraph (c), and republished without change.

3. *Proposed amendments to Part 211.* In Part 211, it is proposed to revoke § 211.4 because the recent amendments of the Act render that regulation unnecessary. It is also proposed to redesignate existing §§ 211.5 and 211.6, as §§ 211.4 and 211.5 respectively. No change will be made in the redesignated § 211.5. When § 211.6 is redesignated, the reference to section 101(a)(27)(B) will be changed to 101(a)(27)(A) in conformity with the recent amendments to the Act.

4. *Proposed amendments to Part 212.* It is proposed to amend § 212.8(a) to provide that a native of the Western Hemisphere who established a priority date prior to January 1, 1977, and who, at that time, and under the law then in effect, was considered to be entitled to exemption from the labor certification requirement of section 212(a)(14) of the Act as the parent, spouse or child of a lawful permanent resident alien, shall continue to be exempt from that requirement after the effective date of these amendments so long as the relationship on which the exemption is based continues to exist. This amendment is made in compliance with section 9(b) of Pub. L. 94-571.

5. *Proposed amendments to Part 245.* It is proposed to amend § 245.1(a) to add that aliens admitted to the United States in transit without visa, and aliens (except for immediate relatives as defined in section 201(b) of the Act) who, after January 1, 1977 continue in or accept unauthorized employment prior to filing a section 245 application, are not eligible for the benefits of section 245. It is also proposed to amend this subparagraph to delete aliens born in the Western Hemisphere or on any adjacent island named in section 101(b)(5) of the Act from the description of aliens

who are not eligible for the benefits of section 245. These proposed amendments are in compliance with section 245(c) of the Act as amended by Pub. L. 94-571. It is proposed to amend § 245.1(g) (1) by deleting the provision that an immigrant visa number will be considered immediately available for accepting and processing a section 245 application if the applicant's priority date is within 90 days of the date shown on the current Department of State Visa Office Bulletin on Availability of Immigrant Visa Numbers. This amendment is being made because amended section 245(a) of the Act requires that an immigrant visa must be immediately available to the alien seeking adjustment when the section 245 application is filed. It is proposed to amend § 245.1(g) (2) by revising the second sentence thereof concerning priority dates, in clause (ii), by substituting the following language: "(ii) the date on which Form I-485 is filed, if the applicant is qualified for and will be engaged in an occupation currently listed in Schedule A (20 CFR Part 656), or that the provisions of section 212(a) (14) do not apply to him;". This change is being made because the Department of Labor regulations on immigrant labor certifications are proposed to be republished at 20 CFR Part 656 and because the Schedule A occupations listed therein are proposed to include aliens of exceptional ability in the sciences or arts who will substantially benefit prospectively the national interests or welfare of the United States.

In § 245.2(b) (1), the heading is being revised to include the appropriate citation for the Labor Department regulations, and the heading and text are also being revised by deleting reference to aliens who are a member of the professions, or have exceptional ability in the sciences or arts. Both of these amendments are being made because aliens who have exceptional ability in the sciences or arts are proposed to be placed in Schedule A of 20 CFR Part 656, as explained above. In addition, references to Form MA 7-50A are being deleted and replaced by references to "Statement of Qualifications of Alien" since the Labor Department proposed to change that form number. It is proposed to amend § 245.2(b) (2) to provide that a nonpreference applicant for adjustment under section 245 who is subject to the labor certification requirement, and whose occupation is not listed in Schedule A, must submit the labor certification with his application. It is further proposed to amend this subparagraph by deleting the references to aliens who are not a member of a profession; or are not a person with exceptional ability in the sciences or arts or unqualified for a category of employment currently listed in Schedule A. These proposed amendments are being made in conformity with the proposed revision of Schedule A of 20 CFR Part 656 recently proposed by the Department of Labor. It is proposed to amend § 245.7, which pertains to the interview requirement in section 245 cases by revising the section to provide that the interview may also be waived where

the applicant is clearly ineligible for the benefits of section 245, either under the provisions of section 245(c) of the Act, as amended, or § 245.1 of this Part.

C. SUBMISSION OF REPRESENTATIONS INVITED

In accordance with the provisions of section 553 of Title 5 of the United States Code (80 Stat. 383), interested persons may submit to the Commissioner of Immigration and Naturalization, Room 7100, 425 Eye Street, NW., Washington, D.C. 20536, written data, views, or arguments, in duplicate, with respect to the proposed rules. Such representations may not be presented orally in any manner. All relevant material received on or before December 13, 1976, will be considered.

In the light of the foregoing, it is proposed to amend Chapter I of Title 8 of the Code of Federal Regulations as set forth below:

PART 204—PETITION TO CLASSIFY ALIEN AS IMMEDIATE RELATIVE OF A UNITED STATES CITIZEN OR AS A PREFERENCE IMMIGRANT

In Part 204, it is proposed to amend §§ 204.1, 204.2, 204.4, 204.5, and 204.6, and to add new § 204.7 to read as follows:

§ 204.1 Petition.

(a) *Relative.* A petition to accord preference classification under section 203(a) (1), (2), (4), or (5) of the Act or classification as an immediate relative under section 201(b) of the Act, other than a child as defined in section 101(b) (1) (F) of the Act, shall be filed on a separate Form I-130 for each beneficiary and shall be accompanied by the fee required under § 103.7(b) of this Chapter. The petition shall be filed in the office of the Service having jurisdiction over the place where the petitioner is residing in the United States. When the petitioner resides outside of the United States, the petition shall be filed with the foreign office of the Service designated to act on the petition which can be ascertained by consulting an American consul. American consular officers assigned to visa-issuing posts abroad, except those in Austria, Germany, Greece, Italy, Japan, the Philippines, Hong Kong, and Mexico are also authorized to approve any petition on Form I-130 when the petitioner and beneficiary are physically present in the area over which the consular officers have jurisdiction. While such consular officers are authorized to approve such petitions, they shall refer any petition which is not clearly approvable to the appropriate Service office outside the United States for decision. The petitioner shall be notified of the decision and, if the petition is denied, of the reasons therefor and of his right to appeal to the Board within 15 days after mailing of the notification of the decision in accordance with the provisions of Part 3 of this chapter. Without the approval of a separate petition in his behalf, an alien spouse or a child defined in section 101(b) (1) (A), (B), (C), (D), or (E) of the Act, may be accorded the same preference classification under section 203(a)

as his spouse or parent whom he is accompanying or following to join, if the immediate issuance of a visa or conditional entry is not otherwise available under the provisions of section 203(a) (1) through (8) of the Act. However, the alien spouse or child of an alien parent who has been classified as an immediate relative is not within the purview of section 203(a) (9) of the Act and may not be accorded derivative immediate relative status. No alien may be classified as an immediate relative unless he himself is entitled to such status and is the beneficiary of an approved visa petition according him such classification.

(c) *Petition under section 203(a) (3) or (6).* (1) *General.* A petition to classify the status of an alien under section 203(a) (3) or (6) of the Act shall be filed on Form I-140. For each beneficiary a separate Form I-140 must be submitted, accompanied by the fee required under § 103.7(b) of this chapter. The petition shall be made under oath administered by any individual having authority to administer oaths, if executed in the United States, but, if executed outside the United States, administered by a consular officer or an immigration officer. Before it may be accepted and considered properly filed, the petition must be accompanied by Labor Department forms entitled "Statement of Qualifications of Alien" and "Job Offer for Alien Employment" to which the certification under section 212(a) (14) of the Act has been affixed by the Secretary of Labor or his designated representative, except that such certification may be omitted if the beneficiary is qualified for and will be engaged in an occupation currently listed in the Department of Labor's Schedule A (20 CFR Part 656). The petition shall be filed in the office of the Service having jurisdiction over the place of intended employment.

(2) *Filing date.* In the case of a third or sixth preference petition (except for an occupation listed in Schedule A), the filing date of the petition within the meaning of section 203(c) of the Act shall be the date the request for certification was accepted for processing by any office within the employment service system of the Department of Labor. In the case of a third or sixth preference petition for an occupation listed on Schedule A the filing date of the petition shall be the date it was properly filed with the appropriate Service office.

(3) *Sixth-preference petition for alien whose occupation is listed in Schedule A (20 CFR Part 656).* Nothing contained in this Part shall preclude an employer who desires and intends to employ an alien whose occupation is listed in Schedule A from filing a petition for sixth preference classification; however, any such petition shall be subject to the requirements of this Part governing sixth preference petitions.

(4) *Interview and decision.* Prior to decision by the district director, the beneficiary and the petitioner may be required as a matter of discretion to appear in person before an immigration or

consular officer and be interrogated under oath concerning the allegations in the petition. The petitioner shall be notified of the decision and, if the petition is denied, of the reasons therefor and of his right to appeal in accordance with the provisions of Part 103 of this chapter. However, no appeal shall lie from a decision denying a petition for lack of a certification by the Secretary of Labor pursuant to section 212(a)(14) of the Act.

§ 204.2 Documents.

(e) *Evidence of eligibility for third- or sixth-preference classification.*—(1) *General.* The documentary evidence which the petitioner must submit to establish the beneficiary's eligibility under section 203(a)(3) or (6) of the Act shall include the Statement of Qualifications of Alien and the Job Offer for Alien Employment forms as provided in § 204.1(c), and any documents required to be presented with those forms. * * *

(4) *Certification under section 212(a)(14).* No third or sixth preference petition shall be approvable unless it is supported by a valid labor certification issued under section 212(a)(14) of the Act. An alien whose occupation is currently listed in Schedule A (20 CFR Part 656) will be considered as having obtained a certification under section 212(a)(14) of the Act upon determination by the district director that the alien is qualified for and will be engaged in such occupation. In the case of an alien whose occupation is currently listed in Schedule B, the Secretary of Labor has announced that the determination and certification required by section 212(a)(14) of the Act cannot now be made (20 CFR Part 656). In the case of any other alien, his employer or prospective employer may apply for certification under section 212(a)(14) of the Act by submitting properly executed forms together with the documentary evidence required by the instructions for completion of the forms, to the local office of the State Employment Service serving the area of intended employment. Information concerning the categories of employment listed in labor Department Schedules (20 CFR Part 656) may be obtained from principal offices of the Service, from State Employment Services offices and from United States consular offices.

(e-1) [Revoked]

(1) [Revoked]

(2) [Revoked]

(3) [Revoked]

(4) [Revoked]

(5) [Revoked]

§ 204.4 Validity of approved petitions.

(a) *Relative petitions.* Unless revoked pursuant to section 203(e) of the Act or Part 205 of this chapter, the approval of a petition to classify an alien as a preference immigrant under section 203(a)(1), (2), (4), or (5) of the Act, or

as an immediate relative under section 201(b) of the Act, shall remain valid for the duration of the relationship to the petitioner, and status, as established in the petition.

(b) *Petitions under sections 203(a)(3) and (6).* Unless revoked pursuant to section 203(e) of the Act or Part 205 of this chapter, the approval of a petition to classify an alien as a preference immigrant under section 203(a)(3) or (6) of the Act shall remain valid for as long as the supporting labor certification is valid and unexpired and provided there is no change in the respective intentions of the prospective employer and the beneficiary that the beneficiary will be employed by the employer in the capacity indicated in the job offer. The approval of a petition to classify an alien under section 203(a)(3) or (6) of the Act which had heretofore become invalid solely because of expiration of the period of validity, is hereby reinstated provided the conditions of this paragraph are met.

(c) *Subsequent petition by same petitioner for same beneficiary.* When a visa petition has been approved, and subsequently a new petition by the same petitioner is approved for the same preference classification in behalf of the same beneficiary, the latter approval shall be regarded as a reaffirmation or reinstatement of the validity of the original petition, except when the original petition has been revoked under section 203(e) of the Act.

§ 204.5 Automatic conversion of classification of beneficiary.

(a) *By change in beneficiary's marital status.* (1) A currently valid petition previously approved to classify the beneficiary as the unmarried son or daughter of a United States citizen under section 203(a)(1) of the Act shall be regarded as approved for preference status under section 203(a)(4) of the Act as of the date the beneficiary marries. A currently valid petition previously approved to classify the child of a United States citizen as an immediate relative under section 201(b) of the Act shall also be regarded as approved for preference status under section 203(a)(4) of the Act as of the date the beneficiary marries.

(b) *By beneficiary's attainment of the age of 21 years.* A currently valid petition classifying the child of a United States citizen as an immediate relative under section 201(b) of the Act shall be regarded as approved for preference status under section 203(a)(1) of the Act as of the beneficiary's attainment of his twenty-first birthday if he is still unmarried.

§ 204.6 Effect of changed employment on priority date.

(a) *Petition for third preference classification.* When the beneficiary of an approved third preference petition no longer intends to accept employment with the original prospective employer or

the offer of employment is withdrawn, the petition shall be deemed invalid and the beneficiary shall no longer be entitled to a priority date as of the date of filing of the original petition. However, upon acquisition of a new offer of employment a new petition may be submitted and, if approved, the alien's priority date would be determined by the new petition in accordance with the provisions of § 204.1(c)(3). The petition shall be deemed reinstated and the original priority date shall be restored if the beneficiary returns to the original employment or establishes that he intends upon arrival in the United States to be employed by the original employer as specified in the original petition. The provisions of this paragraph shall not apply when the original petition has been revoked under section 203(e) of the Act.

(b) *Petition for sixth preference classification.* When a new petition by another employer is approved in behalf of the beneficiary of a previously approved sixth-preference petition, and the beneficiary has accepted or intends to accept employment with the new petitioner, the beneficiary shall no longer be entitled to a priority date as of the date of filing of the original petition and the petition shall be deemed invalid. Instead, his priority date shall be the date of filing of the subsequently approved petition for sixth-preference classification. However, the petition shall be deemed reinstated and the original priority date shall be restored if the beneficiary returns to the original petitioner's employment or establishes that he intends upon arrival in the United States to be employed by the original employer as specified in the original petition. The provisions of this paragraph shall not apply when the original petition has been revoked under section 203(e) of the Act.

§ 204.7 Preservation of benefits contained in savings clause of Immigration and Nationality Act Amendments of 1976.

In order to be considered eligible for the benefits of the savings clause contained in Section 9 of the Immigration and Nationality Act Amendments of 1976, an alien must show that the facts established prior to January 1, 1977 upon which the entitlement to such benefits was based continue to exist.

PART 205—REVOCATION OF APPROVAL OF PETITIONS

It is proposed to amend § 205.1 as follows:

§ 205.1 Automatic revocation.

The approval of a petition made under section 204 of the Act and in accordance with Part 204 of this chapter is revoked as of the date of approval if the Secretary of State shall terminate the registration of any beneficiary pursuant to the provisions of section 203(e) of the Act or if any of the following circumstances occur before the beneficiary's journey to the United States commences or, if the beneficiary is an applicant for adjust-

ment of status to that of a permanent resident, before the decision on his application becomes final:

(a) *Relative petitions.* (1) Upon formal notice of withdrawal filed by the petitioner with the officer who approved the petition.

(2) Upon the death of the beneficiary.

(3) Upon the death of the petitioner unless the Attorney General in his discretion determines that for humanitarian reasons revocation would be inappropriate.

(4) Upon the legal termination of the relationship of husband and wife when a petition has accorded status as the spouse of a citizen or lawful resident alien, respectively, under section 201(b), or section 203(a) (2) of the Act.

(5) Upon a child beneficiary reaching the age of 21, when he has been accorded immediate relative status under section 201(b) of the Act; however, such petition is valid for the duration of the relationship to accord preference status under section 203(a) (1) of the Act if the beneficiary remains unmarried or, to accord preference status under section 203(a) (4) of the Act if he marries.

(6) Upon the marriage of a beneficiary accorded status as the child of a United States citizen under section 201(b) of the Act; however, such petition is valid for the duration of the relationship to accord preference status under section 203(a) (4) of the Act.

(7) Upon the marriage of a beneficiary accorded preference status as a son or daughter of a United States citizen under section 203(a) (1) of the Act; however, such petition is valid for the duration of the relationship to accord preference status under section 203(a) (4) of the Act.

(8) Upon the marriage of a beneficiary accorded a status as a son or daughter of a lawful resident alien under section 203(a) (2) of the Act.

(b) *Petitions under section 203(a) (3) or (6).* (1) Upon invalidation pursuant to 20 CFR Part 656 of the labor certification in support of the petition.

(2) Upon the death of the petitioner or beneficiary.

(3) Upon formal notice of withdrawal filed by the petitioner or the beneficiary with the officer who approved the petition in a third-preference case.

(4) Upon formal notice of withdrawal filed by the petitioner with the officer who approved the petition in a sixth-preference case.

(5) Upon termination of the employer's business.

(c) *Notice.* When it shall appear to the district director that the approval of a petition has been automatically revoked, he shall cause a notice of such revocation to be sent promptly to the consular office having jurisdiction over the visa application and a copy of such notice to be mailed to the petitioner's last known address.

PART 211—DOCUMENTARY REQUIREMENTS: IMMIGRANTS; WAIVERS

It is proposed to amend Part 211 by revoking existing § 211.4, inapplicability of section 212(a) (24) to certain immigrants, and redesignating existing §§ 211.5 and 211.6 as §§ 211.4 and 211.5 respectively and by revising paragraph (a) of new § 211.5 as follows:

§ 211.5 Alien commuters.

(a) *General.* Notwithstanding any other provision of this part, an alien lawfully admitted for permanent residence may commence or continue to reside in foreign contiguous territory and commute as a special immigrant defined in section 101(a) (27) (A) of the Act to his place of employment in the United States to engage in daily or seasonal work which, on the whole, is regular and stable: *Provided,* That at the time of each reentry he presents a valid Form I-151 in lieu of an immigrant visa and passport. An alien commuter engaged in seasonal work would be presumed to have taken up residence in the United States if he is present in this country for more than six months, in the aggregate, during any continuous 12-month period. An alien commuter's address report under section 265 of the Act must show his actual residence address even though it is not in the United States.

PART 212—DOCUMENTARY REQUIREMENTS: NONIMMIGRANTS; WAIVERS; ADMISSION OF CERTAIN INADMISSIBLE ALIENS; PAROLE

In § 212.8, it is proposed to amend paragraph (a) to read as follows:

§ 212.8 Certification requirement of section 212(a) (14).

(a) *General.* The certification requirement of section 212(a) (14) of the Act applies to aliens seeking admission to the United States or adjustment of status under section 245 of the Act for the purpose of performing skilled or unskilled labor, who are preference immigrants as described in section 203(a) (3) or (6) of the Act, or who are nonpreference immigrants as described in section 203(a) (8). The certification requirement shall not be applicable to a nonpreference applicant for admission to the United States or to a nonpreference applicant for adjustment of status under section 245 who establishes that he will not perform skilled or unskilled labor. A native of the Western Hemisphere who established a priority date prior to January 1, 1977 and who is found to be entitled to an exemption from the labor certification requirement of section 212(a) (14) of the Act under the law in effect prior to January 1, 1977 as the parent, spouse or child of a United States citizen or lawful permanent resident alien shall continue to be exempt from that requirement for so

long as the relationship upon which the exemption is based continues to exist.

PART 245—ADJUSTMENT OF STATUS TO THAT OF PERSON ADMITTED FOR PERMANENT RESIDENCE

In Part 245 it is proposed to amend § 245.1(a), § 245.1(g) (1) and (2), § 245.2 (b) (1) and (2) and § 245.7 to read as follows:

§ 245.1 Eligibility.

(a) *General.* An alien who entered the United States in transit without visa; or who, on arrival in the United States was serving in any capacity on board a vessel or aircraft, or was destined to join a vessel or aircraft in the United States to serve in any capacity thereon; or who was not admitted or paroled following inspection by an immigration officer is not eligible for the benefits of section 245 of the Act. Any alien (other than an immediate relative as defined in section 201 (b) of the Act) who continues in or accepts any unauthorized employment after January 1, 1977 and prior to filing an application for adjustment of status is not eligible for the benefits of section 245 of the Act. An alien who has been allocated an immigrant visa number and who entered the United States conditionally pursuant to section 203(a) (7) of the Act, is not eligible for the benefits of section 245 of the Act unless he qualifies as an immediate relative pursuant to section 201(b) of the Act on the basis of a visa petition approved in his behalf.

(g) *Availability of immigrant visas under section 245 and priority dates.* (1) *Availability of immigrant visas under section 245.* An alien is ineligible for the benefits of section 245 of the Act unless an immigrant visa is immediately available to him at the time the application is filed. If the applicant is a preference or nonpreference alien, the current Department of State Visa Office Bulletin on Availability of Immigrant Visa Numbers will be consulted to determine whether an immigrant visa is immediately available. An immigrant visa is considered available for accepting and processing the application Form I-485 if the preference or nonpreference category applicant has a priority date on the waiting list which is no later than the date shown in the Bulletin or the Bulletin shows that numbers for visa applicants in his category are current. Information as to the immediate availability of an immigrant visa may be obtained at the nearest Service office.

(2) *Priority dates.* The priority date of an applicant who is seeking the allotment of an immigrant visa number under one of the first six preference classes specified in section 203(a) of the Act by virtue of a valid visa petition approved in his behalf shall be fixed by the date on which such approved petition was filed. The priority date of an applicant who is

seeking the allotment of a nonpreference immigrant visa number shall be fixed by the following factors, whichever is the earliest: (i) the priority date accorded the applicant by the consular officer as a nonpreference immigrant; (ii) the date on which Form I-485 is filed if the applicant established that he is qualified for and will be engaged in an occupation currently listed in Schedule A (20 CFR Part 656), or that the provisions of section 212(a)(14) of the Act do not apply to him; or (iii) the date on which an approved valid third or sixth preference visa petition in his behalf was filed; or (iv) the date an application for certification based on a job offer was accepted for processing by any office within the employment service system of the Department of Labor, provided the certification applied for was issued. A nonpreference priority date, once established, is retained by the alien even though at the time a visa number becomes available and he is allotted a nonpreference visa number he meets the provisions of section 212(a)(14) of the Act by some means other than that by which he originally established entitlement to the nonpreference priority date.

§ 245.2 Application.

(b) *Application by nonpreference alien seeking adjustment of status for purpose of engaging in gainful employment*—(1) *Alien whose occupation is included in Schedule A* (20 CFR Part 656). An applicant for adjustment of status as a nonpreference alien under section 245 of the Act who is subject to the labor certification requirement of section 212(a)(14) of the Act must submit Statement of Qualifications of Alien form with his application, if he is qualified for and will be engaged in an occupation currently listed in Schedule A (20 CFR Part 656). The Statement of Qualifications of Alien form must be executed in accordance with the instructions for completion of that form, and must be accompanied by the evidence of the applicant's qualifications specified in the instructions attached to the application for adjustment of status. The other documents specified in paragraph (a) of this section must also be submitted in support of the application for adjustment of status. Determination concerning certification under section 212(a)(14) of the Act will be made in accordance with the pertinent provisions of § 204.2(e)(4) of this chapter.

(2) *Other nonpreference aliens who will engage in gainful employment*. An applicant for adjustment of status as a nonpreference alien under section 245 of the Act, who is subject to the labor certification requirement of section 212(a)(14) of the Act and whose occupation is not listed in Schedule A, must submit the certification with his application. The applicant's employer or prospective employer may apply for the certification to the local State Employment Service.

§ 245.7 Interview.

Each applicant for adjustment of status under this part shall be interviewed by an immigration officer. The interview may be waived in the case of a child under the age of 14, or when the applicant is clearly ineligible under section 245(c) of the Act or § 245.1.

(These proposed regulations are issued pursuant to the provisions of Pub. L. 94-571 enacted October 20, 1976, and section 103 of the Immigration and Nationality Act (8 U.S.C. 1103). Interpret or apply sections 101, 201, 202, 203, 204, 205, 211, 212, and 245. (8 U.S.C. 1101, 1151, 1152, 1153, 1154, 1155, 1181, 1182, and 1255).)

Dated: November 9, 1976.

L. F. CHAPMAN, Jr.,
Commissioner of
Immigration and Naturalization.

[FR Doc. 76-33426 Filed 11-11-76; 8:45 am]

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[9 CFR Part 92]

PROPOSED RESTRICTIONS ON IMPORTATION OF BIRDS

The purposes of these proposed amendments are to strengthen the requirements for the importation of birds into the United States; to decrease the minimum distance by which an approved quarantine facility for the importation of birds must be separated from any other concentration of avian species; and to extend provisions concerning the issuance of import permits to poultry semen.

Statement of considerations. Birds from foreign countries may be imported into the United States pursuant to procedures established in Part 92 of the regulations (9 CFR Part 92). However, there is evidence that a number of birds imported into the United States, in compliance with the present requirements of Part 92, have been determined, after their arrival to be diseased or infected with various diseases. Therefore, it appears that additional requirements may be needed to strengthen the importation requirements with respect to birds, in order to prevent the introduction of diseased or infected birds into the United States. The proposed amendments provide that additional certifications by a veterinary officer of the national government of the country from which such birds are to be exported would be required in which he would state that: (1) the birds to be exported have been in the country from which they are certified for at least 90 days immediately preceding the date of certification, and (2) for the 30 days immediately preceding the date of certification, the birds covered by the certificate were held separate and apart from all other birds under the supervisions of a veterinary officer of the national government of such country and inspected by him with no evidence of communicable disease found.

In addition, it appears that the minimum distance of one-half mile which an

approved quarantine facility for the importation of birds must be separated from any other concentration of avian species is too severe, and that adequate control to prevent the introduction or spread of disease or infection to birds already in the United States from the imported birds may be exercised if such minimum distance would be decreased from one-half mile to not less than 200 feet.

The proposed amendments would also permit the importation of poultry semen into the United States. It appears that the requirements presently in effect regulating the importation of animal semen could be amended to include poultry semen. Such requirements would appear to be sufficient to guard against the introduction of disease into the United States from such imported poultry semen.

Notice is hereby given in accordance with the administrative procedure provisions in 5 U.S.C. 553, that pursuant to section 2 of the Act of February 2, 1903, as amended; and sections 2, 3, 4, and 11 of the Act of July 2, 1962 (21 U.S.C. 111, 134a, 134b, 134c, and 134f) the Animal and Plant Health Inspection Service is considering amending Part 92, Title 9, Code of Federal Regulations.

Accordingly, Part 92, Title 9, Code of Federal Regulations would be amended in the following respects:

1. In § 92.4, the section heading would be amended as set forth below; in paragraphs (a) (1) and (b) wherever the term "animal semen" appears the term "animal or poultry semen" would be substituted therefor; and paragraph (a) (3) would be amended as set forth below:

§ 92.4 Import permits for ruminants, swine, poultry, animal or poultry semen and for animal specimens for diagnostic purposes.

(a) * * * (1) [Amended]

(3) Application for permit to import ruminants, swine, poultry, birds, or animal or poultry semen may also be denied because of: Communicable disease conditions in the area or country of origin, or in a country where the shipment has been or will be held or through which the shipment has been or will be transported; deficiencies in the regulatory programs for the control or eradication of animal diseases and the unavailability of veterinary services in the above mentioned countries; the importer's failure to provide satisfactory evidence concerning the origin, history, and health status of the animals, poultry, birds, or animal or poultry semen; the lack of satisfactory information necessary to determine that the importation will not be likely to transmit any communicable disease to livestock or poultry of the United States; or any other circumstances which the Deputy Administrator believes require such denial to prevent the dissemination of any com-

municable disease of livestock or poultry into the United States.

(b) [Amended]

2. In § 92.5, that portion of paragraph (c) preceding the first semicolon would be amended to read:

§ 92.5 Certificate for ruminants, swine, poultry, commercial birds, zoological birds, and research birds.

(c) *Birds.* All commercial birds, zoological birds and research birds offered for importation from any country of the world shall be accompanied by a certificate issued by a full-time salaried veterinary officer of the National Government of the country from which the birds are to be exported, stating that all birds covered by the certificate have been in the country from which they are offered for exportation for at least 90 days immediately preceding the date of exportation; that all such birds were inspected by him and that no evidence of Newcastle disease, ornithosis, or other communicable disease of poultry was found among the birds and insofar as has been possible to determine, they were not exposed to any such disease during the 90 days immediately preceding their exportation, the last 30 days of which the birds were held separate and apart from all other birds under the supervision of a salaried veterinary officer of that country and were inspected by him with no evidence of communicable disease found during that period. * * *

§ 92.11 [Amended]

3. In § 92.11 (f) (2) (i) (B) wherever the reference to "one-half mile" appears the reference "200 feet" would be substituted therefor.

Any person who wishes to submit written data, views, or arguments concerning the proposed amendments may do so by filing them with the Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Hyattsville, Maryland 20782, before December 14, 1976.

All written submissions made pursuant to this notice will be made available for public inspection at the Federal Building, 6505 Belcrest Road, Room 819, Hyattsville, Maryland, during regular hours of business (8 a.m. to 4:30 p.m., Monday to Friday, except holidays in a manner convenient to the public business (7 CFR 1.27(b)).

Comments submitted should bear a reference to the date and page number of this issue in the FEDERAL REGISTER.

Done at Washington, D.C., this 8th day of November 1976.

The Animal and Plant Health Inspection Service has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

R. P. JONES,
Acting Deputy Administrator,
Veterinary Services.

[FR Doc. 76-33240 Filed 11-11-76; 8:45 am]

FEDERAL RESERVE SYSTEM

[12 CFR Part 250]

[Docket No. R-0062]

MISCELLANEOUS INTERPRETATION

Proposed Interpretation of Section 19 of the Federal Reserve Act Member Bank Deposits with Nonmember Banks

The Board of Governors is considering the adoption of an interpretation to the Federal Reserve Act to apply the term "deposit" as used in section 19(e) of the Act (12 U.S.C. 463) to include amounts arising out of certain check collection transactions involving banks that are members of the Federal Reserve System and nonmember State banks and trust companies. This action is proposed under the Board's authority to define the terms used in section 19, to determine what shall be deemed a deposit and to prescribe such regulations as it may deem necessary to effectuate the purposes and prevent evasions of section 19.

Section 19(e) provides that

No member bank shall keep on deposit with any State bank or trust company which is not a member bank a sum in excess of ten percentum of its own paid-up capital and surplus.

The Board has reviewed a check collection arrangement under which a nonmember bank collects checks for member banks (hereafter "respondents"). Under that arrangement, at the end of each business day, each respondent informs the nonmember of the total of its incoming transit letter. The nonmember does not deposit the amount of the transit letter to the respondent's account, however. Rather, on a daily basis, the nonmember monitors respondents' cash letters and credits the account of another large member bank (hereafter "correspondent") that is maintained at the nonmember in the amount of the total or some proportion of respondents' transit letters. The nonmember then informs the correspondent of the credit. In turn, the correspondent immediately credits the respondents' accounts maintained at the correspondent and debits the account "due from" the nonmember.

This procedure assures that in no case will the nominal balance of any respondent maintained at the nonmember ever exceed the 10 percent statutory limit imposed by section 19(e). Because of the size of the member correspondent participating in this arrangement, its deposit limit with a nonmember bank under section 19(e) is extremely large. This collection arrangement has been established with the stated purpose of avoiding the limits imposed by section 19(e).

The correspondent has been participating in this check collection arrangement without incurring any additional reserve requirement liability since section 204.2(b) of the Board's Regulation D provides that amounts in the member bank's "due from" account may be deducted from "gross demand deposits" in determining the net deposits subject to reserve requirements. The availability of this deduction makes it attractive for the

correspondent to participate in the collection arrangement since it retains some correspondent balances of the respondent member bank and the nonmember and since it has available to it the "due from" deductions from gross demand deposits. The nonmember is attracted to the arrangement since it is able to credit member bank deposits to the correspondent's account held by the nonmember, thereby avoiding the limitation imposed by section 19(e). In actuality, the correspondent is merely lending its name to the arrangement for the primary purpose of obtaining artificial compliance with the section 19(e) limitations since the balances that the respondent member banks have at the correspondent are offset by the correspondent's account at the nonmember bank in this transaction.

Under the proposed interpretation of section 19(e), a member bank will be regarded as keeping on "deposit" with a nonmember bank (1) those amounts actually maintained in its account at the nonmember bank, and (2) those additional amounts that are credited to the account of another bank at that nonmember to the extent that such amounts are determined with respect to (a) the total dollar amount of checks that the member has sent to the nonmember for collection and (b) the amount in (1) above.

The Board believes that section 19(e) is intended, in part, to restrict member bank use of nonmember bank institutions for deposit transactions. The Board regards the proposed interpretation as necessary in order to enforce the nonmember bank deposit limit imposed by section 19(e) of the Act on member banks. Under the arrangement described above, a nonmember bank may obtain control over an unlimited amount of deposits of member banks, thereby avoiding the restriction of section 19(e) by merely creating accounting entries on its books.

Accordingly, pursuant to its authority under section 19(a) of the Federal Reserve Act (12 U.S.C. 461) "to define the terms used in this section * * * to determine what types of obligations, whether issued directly by a member bank or indirectly by an affiliate of a member bank or by any other means, and, regardless of the use of the proceeds, shall be deemed a deposit, and to prescribe such regulations as it may deem necessary to effectuate the purposes of this section and to prevent evasions thereof" and section 19(e) (12 U.S.C. 463), the Board proposes to adopt an interpretation to define the term "deposit" for purposes of section 19(e) in order to limit the amount of deposits held by a member at the nonmember bank. The Board's proposed interpretation reads as follows:

§ 250.150 Member bank deposits at nonmember banks.

(a) The Board has been requested to review a relationship between a nonmember bank and a member bank to determine whether the member bank is keeping "deposits" in excess of 10 per

cent of its paid-in capital and surplus, with the nonmember, a violation of § 19 (e) of the Federal Reserve Act (12 U.S.C. 463). That section provides, in part

No member bank shall keep on deposit with any State bank or trust company which is not a member bank a sum in excess of ten per centum of its own paid-up capital and surplus.

(b) The relationship is as follows: A nonmember bank collects checks for one or more member banks (hereafter "respondents"). At the end of each business day, each respondent informs the nonmember of the total of its incoming transit letter. The nonmember does not deposit the amount of the transit letter to the respondent's account, however. Rather, on a daily basis, the nonmember monitors respondents' cash letters and credits the account of another large member bank (hereafter "correspondent") that is maintained at the nonmember in the amount of the total or some proportion of respondents' transit letters, and informs the correspondent of the credit. In turn, the correspondent immediately credits the respondent accounts maintained at the correspondent and debits the account "due from" the nonmember. This procedure assures that in no case will the nominal balance of any respondent maintained at the nonmember ever exceed the 10 percent statutory limit imposed by section 19(e). This collection arrangement has been established with the stated purpose of avoiding the limits imposed by section 19(e).

(c) Section 19(e) of the Federal Reserve Act was designed, in part, to limit member banks' deposit transactions with nonmember banks not regulated by the Federal Reserve. Because the relationship described above permits a nonmember bank to maintain control of deposits of a member in excess of the 10 percent limits found in § 19(e), the relationship constitutes a violation of the intended purpose of that section of the Act. Therefore, where a member bank enters into a check collection arrangement with a nonmember, as described above, the Board believes that section 19(e) requires such funds represented by checks being collected by a nonmember to be aggregated with deposits of the member directly held at the nonmember. Under the Board's authority (12 U.S.C. 461) to determine what shall be deemed a deposit and to prescribe regulations at it may deem necessary to effectuate the purposes of section 19 of the Federal Reserve Act and prevent evasions thereof, and in order to effectively apply the limitation on member bank deposits with nonmember banks, the Board has determined that a member bank will be regarded as keeping on "deposit" with a nonmember bank (1) those amounts actually maintained in its account at the nonmember bank and (2) those additional amounts that are credited to the account of another bank with that nonmember to the extent that such amounts are determined with respect to (a) the total dollar amount of checks that the member has

sent to the nonmember for collection and (b) the amount in (1) above.

To aid in the consideration of this matter by the Board, interested persons are invited to submit relevant data, views, or arguments. Any such material should be submitted in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than February 7, 1977. Reference shall be made to Docket R-0062. Such material will be made available for inspection and copying upon request, except as provided in § 261.6(a) of the Board's Rules Regarding Availability of Information.

Board of Governors of the Federal Reserve System, November 3, 1976.

THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc. 76-33417 Filed 11-11-76; 8:45 am]

SMALL BUSINESS ADMINISTRATION

[13 CFR Part 121]

SMALL BUSINESS SIZE STANDARDS

Definition of Small Business for Industry No. 3731, Ship Building and Repairing, for Purpose of Bidding on Government Procurement

Notice is hereby given that the Small Business Administration proposes to adopt a new definition of small business for Industry No. 3731, Ship Building and Repairing, for the purpose of bidding on Government procurements.

Currently, a concern is considered small business for the purpose of bidding on a contract for shipbuilding or repairing if its number of employees does not exceed 1,000 persons. It has been suggested that this standard is so low that it has been possible to set aside for small business only contracts for the construction of relatively small vessels and, as a result, contracts for naval vessels over 300 feet in length are being awarded to large shipyards.

In order to make it possible to reserve for small business a limited number of contracts for the construction of larger ships, it is proposed to adopt a 5,000-employee size standard for application to the larger Government shipbuilding contracts, but to continue the use of the currently effective 1,000-employee standard for smaller contracts.

More specifically, it is proposed to adopt a 5,000-employee standard for application to shipbuilding and repairing contracts, the value of which is estimated by the procuring agency to exceed \$3 million multiplied by the number of vessels covered by the contract. Contracts estimated by the procuring agency to be valued at less than \$3 million multiplied by the number of vessels covered by the contracts would remain subject to the currently effective 1,000-employee standard.

Accordingly, it is proposed to revise Part 121, Chapter I, Title 13 of the Code of Federal Regulations by:

(1) Adding to § 121.3-8(b), new 121.3-8(b)(7) (i) and (ii) to read as follows:

§ 121.3-8 Definition of small business for Government procurement.

(b) Manufacturing *

(7) (i) As small if it is bidding on a contract classified in Standard Industrial Classification Industry No. 3731, Ship Building and Repairing, and the value of which is estimated by the procuring agency to exceed \$3 million multiplied by the number of vessels covered by the contract, and such concern's number of employees does not exceed 5,000 persons.

(ii) As small if it is bidding on a contract classified in Standard Industrial Classification Industry No. 3731, Ship Building and Repairing, and the value of which is estimated by the procuring agency not to exceed \$3 million multiplied by the number of vessels covered by the contract, and such concern's number of employees does not exceed 1,000 persons.

Schedule B [Amended]

(2) Delete Census Classification Code 3731, Shipbuilding and Repairing from Schedule B.

Interested parties may file with the Small Business Administration, on or before December 13, 1976, written statements of facts, opinions, or arguments concerning the proposal.

All correspondence shall be addressed to:

William L. Pellington, Director, Size Standards Division, Small Business Administration, 1441 L Street, NW., Washington, D.C. 20416.

Dated: November 4, 1976.

(Catalog of Federal Domestic Assistance Program No. 59.009, Procurement Assistance to Small Businesses.)

MITCHELL P. KOBELINSKI,
Administrator.

[FR Doc. 76-33277 Filed 11-11-76; 8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 8]

[Docket No. 76N-0366]

PROVISIONALLY LISTED COLOR ADDITIVES

Proposed Postponement of Closing Dates Correction

In FR Doc. 76-27825, appearing at page 41860, in the issue of Thursday, September 23, 1976 the following corrections should be made:

1. On page 41860, column 1, line 2 the word "its" should read "his".
2. On page 41861, column 2, paragraph No. 11 should be completed by adding at the end thereof "plied cosmetics".
3. On page 41863, column 2, paragraph numbered "1", line 10, after the words "the studies" add the following words "currently available were con-

ducted with", and in paragraph numbered "5", the word "lesions" should read "lesions".

4. On page 41866, 1st column, next to the last line change the figure "1" to read "17".

[21 CFR Part 514]

[Docket No. 76N-0358]

NEW ANIMAL DRUG APPLICATIONS

Policy On Supplemental New Animal Drug Application Approvals and Advanced Notice of Proposed Rule Making

The Food and Drug Administration (FDA) is announcing a revision in its policy on approval of supplemental new animal drug applications (NADA's) and that it will propose regulations to implement the revised policy within 6 months. Under the agency's revised policy, certain supplemental NADA's may be approved without a full current reevaluation or confirmation of the safety and effectiveness data underlying the original approval when approval would not entail any increase in potential risk of human exposure to drug residues. Comments must be submitted by January 11, 1977.

The revised policy is intended to facilitate the agency's re-review of the safety and effectiveness data that support all previously approved NADA's. If the agency determines that additional safety or effectiveness data are necessary for a previously approved new animal drug, it will establish a time within which the additional data must be submitted, under section 512(i) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b(i)). Moreover, FDA immediately will proceed to withdraw approval of any NADA when the re-review of the available data indicates a lack of safety or effectiveness or when holders of approved NADA's have failed to undertake the necessary studies.

BACKGROUND

The Food and Drug Administration and, consequently, manufacturers of animal drugs historically have viewed the approval of a supplemental NADA as constituting an affirmation that all safety and effectiveness information in the parent application is scientifically adequate by current standards. From this premise the conclusion has been drawn that when any NADA supplement is submitted, the agency must undertake an evaluation of all underlying safety and effectiveness data in the parent NADA to determine whether those data satisfy contemporary scientific standards, regardless of the function of the supplement. This routine mandatory reevaluation process may be theoretically sound, but it frustrates dealing with the two most critical issues in the areas of animal drug safety and effectiveness:

First, when questions about an animal drug's safety or effectiveness arise, under the present policy FDA is unable to approve, and thereafter enforce, changes in the drug's use that will provide addi-

tional public protection during the time required for reevaluation of the complete NADA to determine whether administrative action is necessary and the basis for that action. Thus, labeling changes that are designed to reduce or eliminate a potential health risk that may result from a drug product's use either are delayed or implemented in such a manner that they do not become enforceable legal requirements. In the extreme case the agency cannot approve or enforce an extended pre-slaughter withdrawal period (an interim action that enhances public protection) until the questions of safety are, first, validated and, ultimately, resolved either by withdrawal of the NADA's approval or the submission of new evidence that satisfactorily answers the questions. This anomalous result is inconsistent with the purpose of the agency's present policy and contrary to the public interest.

Second, the agency's historical policy has effectively precluded a rational, scheduled reevaluation of the safety and effectiveness data that support previously approved NADA's to measure their adequacy by contemporary scientific standards. Reexamination currently is triggered by events wholly beyond the agency's control and in a sequence that may bear no relationship to any rational priority for updating information on marketed products. Consequently, manpower and resources are unpredictably diverted from the necessary implementation of a new animal drug safety and effectiveness review. The agency's historical policy also discourages holders of approved NADA's from making important changes in production, material, and labeling which may contribute to safer animal drug use because they apprehend that such action will focus regulatory attention on their products.

For these reasons, FDA is developing a more flexible policy on supplemental NADA approvals. The revised policy will permit the approval of some supplemental NADA's without automatically triggering at the time of initial submission a reevaluation of the current adequacy of the underlying safety and effectiveness data and without implying re-affirmation of safety and effectiveness. Any new policy should also stimulate changes by supplemental NADA's in the use of drugs whose safety or effectiveness has been questioned, changes that will increase their margin of safety and sometimes enhance their effectiveness. Such changes contribute to safety by reducing potential exposure to drugs as well as by being established as legally enforceable requirements. The requirements could also be imposed more expeditiously because the time-consuming re-review of all data in the NADA file may not be necessary.

Adoption of a policy that all NADA supplements would be considered independently of the parent application would achieve these goals. Supplemental NADA's would then be evaluated as discrete entities, and decisions of whether or not to approve them would be based

primarily on their accompanying data. But such a reversal of past policy would permit a supplemental NADA to be approved without a complete review of the underlying data when such a reevaluation is necessary to an informed decision on the particular supplement. The Food and Drug Administration has no intention of adopting such a policy. Rather, it intends to establish criteria for determining when a complete reevaluation of all data that support an NADA is necessary, and when it is in the public interest to approve a supplemental NADA without such a comprehensive review. Only then can the agency fully implement a policy that effectively addresses the problems inherent in the current approach.

PROPOSED SOLUTION

The Bureau of Veterinary Medicine will class the many reasons for filing supplemental NADA's into three categories, established on the basis of the potential for increased risk from exposure to an animal drug and weighted according to various rationales for requiring complete review of the data in the parent NADA.

The first category will include supplemental NADA's whose approval entails no increase in public exposure to an animal drug. Approval of a supplement in this category, e.g., one requesting acknowledgment of a change in NADA sponsor because of a corporate reorganization, customarily will not require a review of the drug's underlying safety and effectiveness data. However, if any of the numerous rationales for seeking a complete review is applicable, e.g., length of time since the last comprehensive review of the data that support the original approval, such a review will be conducted.

The second category will include NADA supplements that will routinely require a review of the underlying data. Any change that increases the risk of exposure to an animal drug will be included in this group, e.g., one that requests expansion of the indications for a drug's use by adding a new food-animal species.

The third category will include those supplemental NADA's whose approval will sometimes require a review of the core of safety and effectiveness data that support the parent NADA. This will be the largest group and the most difficult to define. Roughly estimated, there are more than 50 reasons for filing supplemental NADA's (e.g., changes in the drug's recommended withdrawal time, changes in process used to manufacture the drug, and changes in the indications for the drug's use) and several reasons for reviewing the underlying safety and effectiveness data for a new animal drug, e.g., length of time since the last comprehensive re-review of the data, DESI rating, and adverse drug reaction reports.

When the Bureau of Veterinary Medicine has tentatively defined the three categories of NADA supplements, the agency will publish them to permit comment on the extent to which each categorization comports with protection of the public health. To expedite the preparation of the notice of proposed rule

making and accelerate implementation of the general review of the safety of approved animal drugs, the agency will implement the revised policy immediately on a conservative case-by-case basis. Each approval of a new animal drug supplemental application under this policy will be accompanied by a statement of the agency's basis for concluding that the approval poses no increased human risk from exposure to the covered animal drug.

The outlines of the various reasons for filing supplemental NADA's and of the rationales for concluding that a review of an NADA's underlying safety and effectiveness data is warranted, which form the basis for the interim procedure and proposed regulations, are on display in the office of the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857.

Interested persons may, on or before January 11, 1977, submit written comments (preferably in quintuplicate and identified with the Hearing Clerk docket number found in brackets in the heading of this document) on the interim procedure to the above office. Received comments may be seen in the office of the Hearing Clerk during working hours, Monday through Friday.

Dated: November 3, 1976.

SHERWIN GARDNER,
Acting Commissioner
of Food and Drugs.

[FR Doc. 76-32988 Filed 11-11-76; 8:45 am]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 48]

MANUFACTURERS AND RETAILERS
EXCISE TAXES

Special Provisions

Correction

In FR Doc. 76-32109, appearing at page 48346 in the issue for Wednesday, November 3, 1976, in the first column, page 48346, the date in the 13th line which now reads "October 1, 1977", should read "January 10, 1977".

Bureau of Alcohol, Tobacco and Firearms

[27 CFR Part 4]

[Notice No. 304]

"APPELLATION OF ORIGIN", "VITICULTURAL AREA", "ESTATE BOTTLED", "GRAPE TYPE DESIGNATIONS", AND MISCELLANEOUS AMENDMENTS

Hearing; Withdrawal of Previous Notices

This notice withdraws our notices no. 280 (40 FR 30117) and 290 (41 FR 8188) relating to definitions of "Appellation of origin" and "Viticulural area" (280) and "Estate bottled" (290). Proposed new definitions for these terms, together with certain other new and amended regulations, are published herewith, pursuant to the provisions of section 5 of the Federal Alcohol Administration Act (49 Stat. 981 as amended; 27 USC 205). Public

hearings to consider these new proposals are scheduled to take place at 10:00 a.m. at the Hyatt-Regency Hotel, San Francisco, California, on Monday, December 13, 1976, through Wednesday, December 15, 1976, including an evening session beginning at 7:30 p.m. on December 13, and an additional evening session at the same time on December 14, if consumer interest warrants. A further public hearing, considering the same subject matter, will be held at 10:00 a.m. in Room 5041 of the Federal Building, 1200 Pennsylvania Avenue, Washington, D.C. on Tuesday, January 11, 1977.

REASONS FOR WITHDRAWAL OF PREVIOUS NOTICES

After an evaluation of both the written comments and testimony given at the public hearings held in April 1976, the Bureau determined that the proposals should be revised. Because the revisions are significant, and because they are being integrated into a more extensive proposal, notices 280 and 290 are withdrawn. The present notice, therefore, incorporates the general subject matter of these earlier notices, together with new provisions, and will be considered during the public hearings scheduled for December and January.

SUMMARY OF PROPOSAL

Basically, this proposal would create a new category of wine, known as "ATF seal" wine, subject to more stringent regulatory control than other wines. "Seal" wines must:

- (1) Be labeled with a viticultural area, which is defined, generally, as an area based upon a geographical feature or features, the boundaries of which must be approved by the Bureau, or with a vineyard designation, a vineyard being defined as a continuous plot of land under the same ownership, identified by a notice to the Bureau (in either case not less than 95 percent of the grapes used to make the wine must be derived from the viticultural area or vineyard, as applicable);
- (2) If labeled with a varietal (grape type) name, derive 85 percent of its contents from the named variety, all of which must be grown in the labeled viticultural area of vineyard, or may be labeled with two or more varietal names provided that the percentage of each is shown on the label;
- (3) Show the month and year of fill on the label;
- (4) If labeled "Estate bottled", be derived entirely from grapes grown on land owned or controlled by the bottling winery, located entirely within the viticultural area or vineyard shown on the label; and
- (5) If vintage dated, 95 percent of the grapes must be harvested in the stated year.

For non-seal wine, present requirements basically apply, which are:

- (1) Unless labeled with a vintage date, 75 percent of the grapes used to produce the wine must have been grown in an appellation of origin or viticultural area (but not a vineyard);
- (2) If labeled with a varietal name, 51 percent of the wine must be derived from that variety of grape;
- (3) If the wine bears a vintage date, 95 percent of the grapes used to produce the wine must be harvested in the stated vintage year, and grown in the appellation or viticultural area shown on the label.

In connection with this proposal, only minimal changes have been made which affect wine made under present regulations. These have generally been changes to conform existing regulations to the new changes, and, in a few instances, to correct loopholes. One example of these changes is a requirement that the entire qualifying percentage of a varietal grape (51 percent) be grown in the area cited on the label, and to require that a growing area be cited on the label of any varietal wine. In contrast, the present regulations would allow a varietal wine to be made with as little as 26 percent of the principal variety grown in the place shown on the label, if a place of origin were shown on the label at all. A place of origin is required to be shown only if the name of the variety is deemed to have geographic significance (Gamay Beaujolais or French Colombard, for example). Another example is that geographic names other than those specifically authorized to appear on labels would now be prohibited, except for brand names approved prior to the publication date of this section, and qualified by the word "brand", and trade or corporate names approved prior to the publication date of this section. In addition, regulations relating to vintage wine formerly found in § 4.10(h) and § 4.39(b) have been reorganized into a new § 4.25b.

NEW DEFINITIONS OF "APPELLATION OF ORIGIN" AND "VITICULTURAL AREA"

The key feature of this proposal is a new definition of the term "Viticulural area", based on a geographical feature or features (stream valleys, mountain peaks, and the like). Such areas naturally tend to a similarity of growing conditions caused by the modifying influence of the geographical features. Viticultural areas could not be used on labels unless first approved by ATF. After allowing for written comments, public hearings, or both, pursuant to the public rulemaking procedures of the Administrative Procedures Act, formal boundaries would be established by ATF based on the record. The names and boundaries of approved viticultural areas would be published periodically in a new regulatory part, 27 CFR Part 9. In addition, a specific vineyard, the name and location of which would be shown on the label, would also be treated as a viticultural area; however, the use of a vineyard name would be restricted to use with a new category of wine, known as "ATF seal" wine, which will be discussed in detail later in this notice.

In connection with this new definition of a viticultural area, an "appellation of origin" would be defined, domestically, as the United States, a State, or a county (in the latter case, the word "county" would be required to appear in conjunction with the name of the county. These are terms which have had long recognition as appellations in this country, but which, being based on relatively vast political boundaries, do not necessarily relate to grape-growing conditions.

In the case of foreign wine, the place or region indicated by the appellation

would be required to be legally used under the laws of the appropriate foreign country, and the wine so labeled would have to be freely distributable within the country of origin.

"ATF SEAL" WINE

The proposed regulatory changes would also establish an entirely new category of wine, "ATF seal" wine, subject to much tighter regulatory control than other wines. To begin with, "seal" wine could only be labeled with a viticultural area or vineyard designation, ruling out "appellation" areas, which, because of their size, often include widely different grape growing areas due to different soil types, elevations, exposures, and, particularly, different amounts of heat and rainfall during the growing season. In contrast to the requirement for other nonvintage wine that 75 percent of the grapes be grown in the labeled area, "ATF seal" wine would require that 95 percent of the grapes be grown in the labeled area.

A vineyard would be newly defined as, generally, a continuous plot of land under the same ownership. A proprietor who wished to use a vineyard label would first be required to file a notice with the regional director setting out a legal description of the vineyard, and would be required to update the notice if adjoining land were to be added to the vineyard, or part of the existing land were to be sold. ATF intends to make a list of approved vineyards available to the public.

In the case of varietal "seal" wine, a minimum varietal content of 85 percent, derived entirely from the labeled viticultural area or vineyard, would be required. Where more than one variety is used as a class and type designation, the wine must be labeled to show the percentage of each variety used (with a tolerance of two percent) totaling 100 percent of the product.

A new definition is being proposed for the term "Estate bottled". The use of the term would be limited to "ATF seal" wine, and would be based on the viticultural area concept. To be entitled to "Estate bottled" labeling, all of the grapes used to make the wine would be required to come from a single viticultural area or vineyard which would appear on the label. In addition, the winery which produced and bottled the wine would be required to own or control the land on which the grapes were grown. The winery itself would not necessarily be in close proximity to the vineyards, but would need to be in the same State.

A new regulation (§ 4.29b) would require the month and year of fill to be shown in the case of "seal" wine only. Consumers may find it useful to know the bottle age of a wine so that they can determine the right time to drink it.

The Bureau is in no position to guarantee such a subjective thing as "wine quality"; all we can do is to try to promote informative and truthful labeling, and leave it to the consumer (who is the only person who can truly judge "quality") to make the final decision as to

whether a wine is good or bad, or worth the price being asked for it.

An "Appellation controlee" system cannot be expected to suddenly spring up in the United States. First, such a system must develop stronger roots than presently exist, considering the disastrous impact of prohibition on the vineyards only a half century ago. Europeans have had hundreds of years to develop their systems of appellations; we believe that this proposal will open the way for similar development in the U.S. We recognize, however, that this system is only transitional; the future direction of regulations will be shaped by increased knowledge on the part of consumers, the wine industry, and the Bureau.

GEOGRAPHICAL AND VINEYARD NAMES

Patently, the use on labels of geographical names which bear no relationship to the origin of the grapes used to make the wine can be confusing to the consumer. Among these names are brand names of geographical significance unrelated to the particular wine, and trade and corporate names never intended to signify origin. In addition, with the advent of "vineyard labeling" as proposed in this notice for "ATF seal" wine, the use of the words "vineyard" and "vineyards" where they do not truly refer to the origin of the grapes becomes misleading.

A new paragraph (j) under § 4.39, Prohibited practices, will allow the continued use of corporate, trade, and brand names of geographical significance, or those containing the words "vineyard" or "vineyards" if these names were approved prior to the publication date of this notice, and provided that brand names of this type are qualified with the word "brand" in direct conjunction with, and as conspicuous as, the brand name itself ("Clear Lake Brand" or Cupertino Vineyards Brand might be examples). Except as noted, and except for appellations of origin (under § 4.25), viticultural areas (under § 4.25a) and vineyard designations (under § 4.28), other geographical and vineyard names would be prohibited.

In addition, designs, devices or other representations indicating or inferring an origin other than the true place of origin of the wine would be prohibited.

In connection with the revision of § 4.39, the Bureau has decided that the present provision that the use of the word "old" or other representation of age in a brand name requires qualification by the word "brand" is unnecessary, and proposes to delete § 4.39(d).

GRAPE TYPE DESIGNATIONS

A substantial change in the existing regulations regarding grape type (varietal) designations (such as "Chardonnay" or "Cabernet sauvignon") for wines other than "seal" wines is included in this proposal. § 4.23 would now require that the entire qualifying percentage (51%) of the varietal grape be grown in the area covered by the appellation of origin or viticultural area which would now be required to be shown on the label. Due to an oversight when the present

§ 4.23 was drafted, the regulation has allowed varietal wine to be made with as little as 26 percent of the named varietal grape having been grown in the place specified on the label. The section would now require that all varietal wines bear a designation of origin, where present regulations only require such labeling for varietal names having geographic significance. Numerous problems have arisen in determining just which names do have geographic significance, and we are seeking comments on this issue to determine the need for what seems at present to be an unnecessary distinction. This section has also been modified by deleting the provision that the wine "derive its predominant taste, aroma, and characteristics" from the named variety of grape, and by deleting the provision that the significance of type designations not known to the consumer be explained on the label.

VINTAGE WINE

Regulations relating to vintage wine are not substantively changed by this proposal, but they are consolidated into one section, the new § 4.25b. Existing regulations relating to vintage wine are found in § 4.10(h), Meaning of terms, and § 4.39(b), Prohibited practices. Since vintage labeling is by no means a prohibited practice, we felt that a new consolidated section was desirable. At the same time, the language taken from existing regulations was editorially revised.

Conforming changes have been made to § 4.32, Mandatory label information, and § 4.34, Class and type.

In consideration of the foregoing, it is proposed that the regulations in 27 CFR Part 4, Labeling and Advertising of Wine, be amended as follows:

§ 4.10 [Amended]

PARAGRAPH 1. Section 4.10 is amended by deleting paragraph (h) and relettering paragraphs (i) through (p) as (h) through (o).

PARAGRAPH 2. Section 4.23 is completely revised, to read as follows:

§ 4.23 Grape type designations.

A name indicative of a variety of grape may be employed as the type designation of a grape wine if the wine is labeled with an appellation of origin, as defined in § 4.25, or a viticultural area, as defined in § 4.25a, and derives at least 51 percent of its volume from that variety of grape, the entire qualifying percentage of which must have been grown in the area covered by the appellation of origin or viticultural area.

PARAGRAPH 3. Section 4.25 is completely revised, to read as follows:

§ 4.25 Appellations of origin.

(a) (1) Domestically, an appellation of origin refers to the United States, a State, or county. In the latter case, the word "county" must appear in conjunction with the name of the county.

(2) For imported wine, an appellation of origin refers to a country, a State, province, territory, or similar political sub-division of a country, or a place or

region legally defined and authorized by the country of origin for use on labels to designate the wine's origin.

(b) A domestic wine shall be entitled to an appellation of origin if: (1) At least 75 percent of its volume is derived from fruit or agricultural products grown in the appellation area indicated; (2) it has been fully manufactured or finished in the United States, if labeled "American", or within the labeled State, or the State in which the labeled county is located (except for cellar treatment under the provisions of § 4.22(c), and blending of wines of the same class, type, or other designation which is used as the designation of the blend); and (3) it conforms to the requirements of the State and county laws and regulations governing the composition, method of manufacture, and designation of wines made in such county or State, as appropriate.

(c) A foreign wine shall be entitled to an appellation of origin if: (1) at least 75 percent of its volume is derived from fruit or agricultural products grown in the place or region indicated by such appellation; and (2) it conforms to the laws and regulations of the country of origin and, where applicable, the laws and regulations of the labeled place or area within that country. Such wine must be available for sale and consumption within the country of origin.

PARAGRAPH 4. A new section, § 4.25a is added immediately following § 4.25. Section 4.25a reads as follows:

§ 4.25a Viticultural area.

(a) For domestic wines, a viticultural area is a delimited grape growing region, distinguishable by geographical features recognized and defined in Part 9.

(b) A wine, other than an "ATF seal" wine (as defined in Subpart C-1) may be labeled with a viticultural area designation if it complies with the provisions of paragraph (a) of this section and the provisions of § 4.25(b).

PARAGRAPH 5. A new section, § 4.25b is added immediately following the new section § 4.25a, to read as follows:

§ 4.25b Vintage wine.

(a) *General.* Vintage wine is wine made in accordance with the standards prescribed in Classes 1, 2, and 3 of § 4.21, and deriving not less than 95 percent of its volume from grapes grown in the same calendar year.

(b) *Domestic wine.* Domestic vintage wine must derive not less than 95 percent of its volume from grapes grown in the same State, county, viticultural area, or vineyard (vineyard being applicable to "ATF seal" wine only), and fermented in the labeled State, or the State in which the labeled county, viticultural area, or vineyard is located.

(1) A permittee who produced, clarified, and bottled or packed the wine may use a vintage date upon the label if there is stated on the brand label, in direct conjunction with the designation required by § 4.32(a)(2), and in lettering substantially as conspicuous as the class

and type designation required by § 4.32 (a)(2), the name of the State, county, viticultural area, or vineyard in which the grapes were grown. In no event may the quantity of wine removed from the producing winery, under labels bearing a vintage date, exceed the volume of vintage wine produced in such winery during the year indicated by such date.

(2) A person other than the producer of domestic vintage wine who repackages the wine in containers of one gallon or less may also show the vintage date on the label if the wine is accompanied by appropriate records from the producer substantiating the year of vintage and the State, county, viticultural area, or vineyard where the grapes were grown. If the year of vintage is stated, there shall also be stated on the brand label, in direct conjunction with the designation required by § 4.32(a)(2), and in lettering as conspicuous as such designation, the name of the State, county, viticultural area, or vineyard in which the grapes were grown.

(c) *Foreign wine.* Foreign wine may bear a vintage date if: (1) Such wine derives not less than 95 percent of its volume from grapes grown within the labeled country or place or area within the country; and (2) when bottled in containers of one gallon or less prior to importation (except that the year of vintage may be stated in the case of champagne whether or not bottled in containers of one gallon or less) the invoice is accompanied by a certificate issued by a duly authorized official of the country of origin of the wine. The official will certify that the wine is of the vintage shown, that the laws of the country regulate the appearance of vintage dates upon the labels of wine produced for consumption within the country of origin, that the wine has been produced in conformity with those laws, and that the wine would be entitled to bear the vintage date if it had been sold within the country of origin. If the imported wine is bottled in the United States from the original container of the product, the wine may bear the vintage date shown on the original container if the bottler possesses a certificate identical to that required for wine imported in bottles.

PARAGRAPH 6. A new subpart, C-1, ATF Seal Wine, beginning with a new section, § 4.26, is added immediately following new § 4.25b, to read as follows:

Subpart C-1—ATF Seal Wine

Sec.	
4.26	General.
4.27	Geographical designations
4.28	Vineyard labeling.
4.29	Estate bottled.
4.29a	Varietal labeling.
4.29b	Fill date.

Subpart C-1—ATF Seal Wine

§ 4.26 General.

An ATF seal may be used on the label of a domestic wine (other than a wine specialty) which meets all the conditions set forth in this subpart. "ATF seal" wine may also be labeled with a vintage date under the provisions of § 4.25b. For the purposes of this section, the director is

authorized to establish the design of the seal.

PARAGRAPH 7. A new section, 4.27, is added immediately following new section 4.26, to read as follows:

§ 4.27 Geographical designations.

(a) ATF seal wine must be labeled with a viticultural area, as defined in § 4.25a(a), or with a vineyard designation, as defined and specified in § 4.28. In either event, not less than 95 percent of the grapes used to make the wine must have been grown within the confines of the viticultural area or vineyard shown on the label.

(b) The viticultural area or vineyard designation shall be placed on the label in direct conjunction with the class and type designation, in the same size and style of type, and as conspicuous as the class and type designation.

PARAGRAPH 8. A new section, 4.28, is added immediately following new section 4.27, to read as follows:

§ 4.28 Vineyard labeling.

(a) A vineyard, for purposes of this part, means a continuous plot of land, under the same ownership, planted to grapes. Continuity shall not be affected by the presence of public waterways, thoroughfares, or carrier rights of way.

(b) Vineyard labeling is a form of viticultural area labeling applicable only to "ATF seal" wine, and subject to the provisions of that section, the bottled wine must bear a description of the vineyard location, in graphic or narrative form.

(c) The use of a vineyard name as a designation of origin will not be permitted unless the proprietor has filed a notice, in triplicate, with the regional director specifying the exact location and extent of the vineyard (by metes and bounds or other acceptable description). Subsequent changes to the vineyard, by purchase of adjoining property or sale of part of the existing property will require the filing of an amended notice.

PARAGRAPH 9. A new section, 4.29, is added immediately following new section 4.28, to read as follows:

§ 4.29 Estate bottled.

(a) "ATF seal" wine may be labeled "Estate bottled" if it is produced by the bottling winery entirely from grapes grown within a single approved viticultural area or vineyard, on property owned or controlled by the bottling winery. In addition, the bottling winery must be located within the State in which that viticultural area or vineyard is located.

(b) In the case of a cooperative winery, the term "owned or controlled by the bottling winery" shall include property owned or controlled by members of the cooperative.

(c) For purposes of this section, "controlled by" refers to property on which the bottling winery has the legal right to perform all of the acts common to viticulture.

PARAGRAPH 9. A new section, 4.29a, is added immediately following new section 4.29, to read as follows:

§ 4.29a Varietal labeling.

A name indicative of a grape variety may be employed as the type designation of an "ATF seal" wine if the wine is labeled with a viticultural area or vineyard designation, and derives not less than 85 percent of its volume from that variety of grape, the entire qualifying percentage of which must have been grown in the labeled viticultural area or vineyard. Whether or not the wine derives 85 percent of its volume from a single variety, more than one variety may be employed as the type designation if the percentage of each is shown on the label, with a tolerance of plus or minus two percent. In such case, the label must account for all of the grapes used.

PARAGRAPH 10. A new section, 4.29b, is added immediately following new section 4.29a, to read as follows:

§ 4.29b Fill date.

The month and year in which a bottle of wine bearing an "ATF seal" was filled must appear on the label in a manner which is readily understandable to the consumer.

PARAGRAPH 11. Section 4.32 is amended by adding a new paragraph (a)(5), a new paragraph (c), and redesignating paragraph (c) as paragraph (d). As amended, § 4.32 (a)(5) and (c) read as follows:

§ 4.32 Mandatory label information.

(a) * * *
(5) When required or permitted by this part, an appellation of origin, viticultural area, or vineyard designation.

(c) There shall be stated, on the brand label, back label, or on a separate label, a graphic or narrative description of the location of the labeled vineyard, when vineyard labeled under the provisions of § 4.28.

PARAGRAPH 12. Section 4.34(b) is completely revised, to read as follows:

§ 4.34 Class and type.

(a) * * *
(b) An appellation of origin, such as "American", "California", "Chilean", "New York State", or "Spanish"; the name of an approved viticultural area, or, in the case of "ATF seal" wine only, the name of an approved vineyard, disclosing the true place of origin of the wine, shall appear in direct conjunction with, and in lettering as conspicuous as, the class and type designation; (1) if a grape type (varietal) designation is used under the provisions of §§ 4.23 or 4.29a; or (2) if a semi-generic type designation is employed as the type designation of the wine, pursuant to § 4.24(b).

PARAGRAPH 13. Section 4.39 is amended to (1) make an editorial change in paragraph (a)(2); (2) revise paragraph (a)(5) to incorporate the footnote; (3) make an editorial change to paragraph (a)(9); (4) completely revise paragraph

(b); (5) delete paragraph (d); (6) reletter paragraphs (e) through (j) as (d) through (i); and (7) add a new paragraph (j). As amended, § 4.39 (a)(2), (a)(5), (a)(9), (b) and (j) read as follows:

§ 4.39 Prohibited practices.

(a) *Statements on labels.* * * *
(2) Any statement that is disparaging of a competitor's products.

(5) Any statement, design, device, or representation of or relating to any guarantee, irrespective of falsity, which the Director finds to be likely to mislead the consumer. Statements in substantially the following form are not considered misleading: "We will refund the purchase price to the purchaser if he or she is in any manner dissatisfied with the contents of this package."

(Name of proprietor)

(9) Any word in the brand name or class and type designation which is the name of a distilled spirits product or which simulates, imitates, or creates the impression that the wine so labeled is, or is similar to, any product customarily made with a distilled spirits base. Examples of such words are: "Manhattan", "Martini", "Old Fashioned", "Screwdriver", and "Daquiri" in a class and type designation or brand name of a wine cocktail; "Cuba Libre", "Zombie", and "Collins" in a class and type designation or brand name of a wine specialty or wine highball; "Creme", "Cream", "de", or "of" when used in conjunction with "Menthe", "mint", or "Cacao" in a class and type designation or a brand name of a mint or chocolate flavored wine specialty.

(b) *Statement of age.* No statement of age or representation relative to age (including words or devices in any brand name or mark) shall be made, except (1) for vintage wine, in accordance with the provisions of § 4.25b; or (2) truthful references of a general and informative nature relating to methods of wine production involving storage or aging, such as "This wine has been mellowed in oak casks," "Stored in small barrels," or "matured at regulated temperatures in our cellars," may appear, but only in an inconspicuous manner, and then only on back labels or on other matter accompanying the containers.

(d) [Removed]
(j) *Geographical and vineyard names.* No geographical name or name including the words "vineyard" or "vineyards" may appear anywhere on a label, except: (1) as provided in §§ 4.25, 4.25a, 4.27 and 4.28; (2) in a brand name approved prior to the publication date of this proposal, if qualified by the word "brand" appearing in direct conjunction with, and as conspicuous as the brand name; or (3)

in a trade or corporate name approved prior to the publication date of this proposal. Designs, devices, or other representations which indicate or infer an origin other than the true place of origin of the wine are prohibited.

Requests to present oral testimony. All persons who desire to present oral testimony should so advise the Director, Bureau of Alcohol, Tobacco and Firearms, Washington, D.C. 20226, not later than November 23, 1976. Requests shall be submitted in an original and three copies and must include (1) the name and address of the party submitting the request, (2) the name and address of the person or persons who will present oral testimony, and (3) the approximate length of time desired for the presentation of testimony.

Submission of written material. Any interested party may submit to the Director, Bureau of Alcohol, Tobacco and Firearms, Washington, D.C. 20226, in an original and two copies, relevant written data, views, or arguments for incorporation into the record of hearing. Written material must be submitted not later than March 12, 1977, but comments received after November 23, 1976, will not be available for examination at the public hearings. Written comments or suggestions which are not exempt from disclosure by the Bureau of Alcohol, Tobacco and Firearms may be inspected by any person upon compliance with 27 CFR 71.22(d)(7). The provisions of 27 CFR 71.31(b) shall apply with respect to designation of portions of comments or suggestions exempt from disclosure. The name of any person submitting comments (whether or not exempt from disclosure in whole or in part) is not exempt from disclosure.

This notice relating to "appellation of origin", "viticultural area", "estate bottled", and "grape type designations" provides a general description of the subjects and issues involved. The language of the proposed regulations is merely tentative, and all oral and written comments submitted on the subject matter and issues involved will be considered by the Bureau in adopting the final regulations.

At the conclusion of the hearing, interested parties may examine the record and submit written arguments and briefs until 5:00 p.m. on March 12, 1977, at which time the record will close.

The Bureau of Alcohol, Tobacco and Firearms has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

Signed: November 4, 1976.

REX D. DAVIS,
Director.

Approved: November 8, 1976.

JERRY THOMAS,
Under Secretary of the Treasury.
[FR Doc.76-33289 Filed 11-11-76; 8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health
Administration[29 CFR Part 1910, 1915, 1916, 1917,
1918, 1926]

COMMERCIAL DIVING OPERATIONS

Corrections to Notice of Proposed
Rulemaking and Hearing

On November 5, 1976, notice was published in the FEDERAL REGISTER (41 FR 48950, FR Doc. 76-32625) of a proposed occupational safety and health standard for commercial diving operations pursuant to the authority in sections 6(b), 6(c), and 8(c) of the Occupational Safety and Health Act of 1970 (84 Stat. 1593, 1596, 1599; 29 U.S.C. 655; 657), and 29 CFR Part 1911. Interested persons were given until December 6, 1976 to submit written data, views, and arguments regarding the proposed standards, and to provide notices of intention to appear at public hearings. The public hearings are scheduled to begin December 16, 1976 at 9:30 a.m. in New Orleans, Louisiana at the Braniff Place Hotel, Terrace Suites 3, 4, 5, 1500 Canal Street.

In the notice of proposed rulemaking for commercial diving operations, the following corrections should be made:

1. On page 48950 in the third column, line 14 of the first full paragraph is corrected to read "published this date (41 FR 48742) the".
2. On page 48951 in the first column, line 5 of the last paragraph is corrected to read "However, within * * *".
3. On page 48952 in the first column, line 10 of the first full paragraph is corrected to read "to perform their tasks * * *".
4. On page 48953 in the first column, line 12 of the third full paragraph is corrected to read "embolus which * * *".
5. On page 48953 in the second column, line 8 of the second full paragraph is corrected to read "Certain physical risks are * * *".
6. On page 48954 in the first column, line 16 of the last paragraph is corrected to read "health of the excluded groups * * *".
7. On page 48955 in the second column, line 7 of the first paragraph is corrected to read "to the employee * * *".
8. On page 48955 in the third column, line 1 of the first full paragraph is corrected to read "The employer * * *".
9. On page 48957 in the first column, line 12 of the third full paragraph is corrected to read "have been conducted safely * * *".
10. On page 48957 in the second column, line 20 of the first full paragraph is corrected to read "evacuation rescue capability * * *".
11. On page 48957 in the second column, line 6 of the third full paragraph is corrected to read "to one-atmosphere suits * * *".
12. On page 48957 in the third column, line 3 of the first paragraph is corrected to read "the maximum oxygen * * *".
13. On page 48958 in the second column, line 2 of the second full paragraph

is corrected to read " (§§ 1910.430-438) * * *".

14. On page 48959 in the first column, line 8 of the fourth full paragraph is corrected to read "Docket No. H-103 * * *".

15. On page 48959 in the first column, line 7 of the fifth full paragraph is corrected to read "December 16 * * *".

16. On page 48959 in the first column, line 5 of the last paragraph is corrected to read "Office, J. Goodell, Room N3633 * * *".

17. On page 48959 in the second column, line 6 of the last paragraph is corrected to read "standard for * * *".

18. On page 48959 in the third column, line 3 of the first paragraph is corrected to read "have been carefully."

19. On page 48959 in the third column, the second paragraph is corrected to read "Signed at Washington, D.C. this 2nd day of November 1976."

20. On page 48959 in the third column, the index for Subpart T is corrected to read "1910.426 Hand-held power tools."

21. On page 48961 in the first column, § 1910.410(b)(3) is corrected to read "For employees engaged as divers or otherwise exposed to hyperbaric conditions, physical qualifications for such activities, determined in accordance with the requirements of § 1910.411."

22. On page 48961, Table I (Comments) is corrected to read "Pulmonary function * * *. Required only as medically indicated."

23. On page 48962 in the second column, § 1910.411(g)(3) is corrected to read "Upon notification of withdrawal from diving * * *".

24. On page 48962 in the second column, § 1910.420(b) is corrected to read "The employer shall include * * *".

25. On page 48962 in the second column, § 1910.420(b)(2) is corrected to read "Operations procedures, including fire, emergency * * *".

26. On page 48962 in the third column, § 1910.421(a) is corrected to read "The employer shall conduct all diving operations in compliance with the requirements for operations procedures contained in this section."

27. On page 48964 in the second column, § 1910.423(c)(3) is corrected to read "Except for heavy gear diving, a separate safety harness with a positive buckling device shall be worn. The harness shall distribute the load on * * *".

28. On page 48965 in the second column, § 1910.425(e)(4) is corrected to read "If the employer's total for any type of decompression sickness for air dives deeper than * * *".

29. On page 48966 in the second column, § 1910.431(b) is corrected to read " * * * and (3) seal readily and positively."

30. On page 48966 in the second column, § 1910.433(d)(1) is corrected to read " * * * at the diver's end and at 50 ft. increments * * *".

31. On page 48966 in the third column, § 1910.434(a) is corrected to read " * * * allowable working pressure of the volume tank or receiver."

32. On page 48967 in the second column, § 1910.438(a)(5) is corrected to read " * * * or system that change its operational breathing gas flow characteristics; * * *".

33. On page 48967 in the second column, § 1910.440(b)(1)(v) is corrected to read " * * * with residual audio-vestibular or neurological effects."

34. On page 48968 in the first column, line 6 of the first full paragraph is corrected to read "A separate anteroposterior projection * * *".

35. On page 48968 in the first column, line 15 of the first full paragraph is corrected to read " * * * of the pubic symphysis * * *".

36. On page 48968 in the first column, line 20 of the first full paragraph is corrected to read " * * * to the femoral head as possible but not * * *".

37. On page 48968 in the second column, line 9 of the first paragraph is corrected to read " * * * in the diaphragms * * *".

(Sec. 6, 8, 84 Stat. 1593, 1599 (29 U.S.C. 655, 657); Secretary of Labor's Order No. 8-76, 41 FR 25059 and 29 CFR Part 1911).

Signed at Washington, D.C. this 10th day of November, 1976.

MORTON CORN,
Assistant Secretary of Labor.

[FR Doc. 76-33630 Filed 11-11-76; 8:45 am]

DEPARTMENT OF THE INTERIOR

Geological Survey

[30 CFR Part 211]

COAL MINING OPERATING
REGULATIONSAdoption of Requirements of Montana's
Reclamation Laws and Requirements:
Hearing Postponed

In FEDERAL REGISTER Doc. 76-30623 appearing at page 45999 in the FEDERAL REGISTER of October 19, 1976, the Department of the Interior announced that a hearing would be held in Billings, Montana on November 18, 1976, on the proposed adoption of the requirements of Montana's reclamation laws and regulations as federal regulations. This notice postpones that hearing; a new hearing date will be set. The Department will give at least 30 days notice of the new hearing.

The Department has requested that comments on the proposed amendment to 30 CFR Part 211, published in 41 FR 39036 (September 14, 1976), be submitted by November 19, 1976. The Department encourages interested parties to submit comments by that date. The Department will reopen the comment period and request additional comments when it schedules the new hearing.

Dated: November 10, 1976.

WILLIAM W. LYONS,
Deputy Under Secretary,
Department of the Interior.

[FR Doc. 76-33547 Filed 11-11-76; 8:45 am]

DEPARTMENT OF DEFENSE

Office of the Secretary

[32 CFR Part 251]

DOD AMMUNITION AND EXPLOSIVES SAFETY STANDARDS

Proposed Quantity-Distance Standards for Underground Storage

Correction

In FR Doc. 76-31138, appearing in the FEDERAL REGISTER of Tuesday, October 26, 1976 on page 46867 the following corrections should be made:

1. The fifth paragraph should read, "The proposed standards will be contained in new §§ 251.9, 251.10, 251.11, and 251.12 to this part, and should be added to the section outline as follows:"

2. In the third column, § 251.12(b) (3) (i) should read as follows:

(i) A distance determined by blast or debris issuing from a tunnel entrance at the ground surface will be measured from the tunnel entrance to the nearest wall or point of the location to be protected, using the extended centerline of the main passageway as a reference line for directional effects.

3. On page 46868, § 251.12(c) (2) should be corrected to read as follows:

(2) The chamber separation D_{ca} required to prevent damage to stored ammunition will be calculated from the following formulas:

4. On page 46868, 251.12(c) (4), the eighth line, the word "new" should read "NEW".

5. On page 46868, the third column, the sixth line, § 251.12(d) (5) should read:

$D_{15} = 76W_r^{1/3}$ in the sector between 30 and 0 degrees.

and the fifth line of the note should read,

(" * * * pounds reduced by the factors n and k . * * * ")

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 67]

[Docket No. 20081; FCC 76-1008]

TERMINAL EQUIPMENT ON JURISDICTIONAL SEPARATIONS

Impact of Customer Provision; Inquiry,
Proposed Rulemaking and Creation of
Federal-State Joint Board

Adopted: November 1, 1976.

Released: November 8, 1976.

In the matter of impact of customer provision of terminal equipment on jurisdictional separations, Docket No. 20081.

1. Notice is hereby given of (a) an inquiry into the revisions if any, which should be made in the prescribed jurisdictional separations procedures in order to compensate for any shift in revenue requirements and/or distribution of revenues amongst the telephone companies which might result from customer provision of terminal equipment; and (b) the convening of a Federal-State Joint Board under section 410(c) of the

Communications Act of 1934, 47 U.S.C. 410(c), to submit recommendations with respect to the foregoing.

I. BACKGROUND

2. In June, 1968, this Commission held in its "Carterfone" decision, 13 F.C.C. 2d 420 (1968) that telephone company tariffs which prohibited customers from providing their own terminal equipment (e.g., telephones, answering devices, private branch exchanges) and interconnecting such equipment with the telephone network were an unlawful constraint on the consumer's right to use the telephone system in ways which are privately beneficial without being publicly detrimental. Subsequently, in June, 1972, we began Docket No. 19528, a formal investigation into methods whereby telephone company customers could provide, in whole or in part, their own network control signalling units and connecting arrangements in order to avoid any unnecessary costs or constraints which continued to exist as a result of the telephone companies' post-Carterfone tariffs which required the use of carrier-supplied connecting arrangements. "Notice of Inquiry, Proposed Rule Making, and Creation of Federal-State Joint Board," 35 F.C.C. 2d 539 (1972).

3. Our "First Report and Order" in Docket No. 19528, 56 F.C.C. 2d 593 (1975), found that the telephone company tariff provisions requiring the use of carrier-supplied connecting arrangements were unnecessary, unjust and unreasonable. As a consequence of that finding we adopted a registration program for ancillary, data, and extension telephone terminal equipment, as recommended by the Federal-State Joint Board on the matter.¹ In our "Second Report and Order," 58 F.C.C. 2d 739 (1976), in Docket No. 19528, we expanded this program to include main station telephones, private branch exchanges (PBX) and key telephones, when connected to one-party telephone lines, after concluding that the Joint Board had erred in recommending against such expansion solely on the basis of unsubstantiated concerns about long term economic considerations which were outside the scope of the Joint Board's charter and already under active investigation by this Commission in Docket No. 20003.² Several parties, including the North Carolina Utilities Commission, appealed our decisions in Docket No. 19528 to the United States Court of Appeals for the Fourth Circuit. Pending its decision on the merits of this appeal, the court has allowed the registration

¹ Our primary authority over the connection of terminal equipment to the national telephone network, enunciated in *Telerent Leasing Corp.*, 45 F.C.C. 2d 204 (1974), was affirmed by the United States Court of Appeals, *North Carolina Utilities Commission v. F.C.C.*, Nos. 74-1220, Slip Op., p. 15 (4th Cir. 1976).

² Economic Implications and Interrelationships Arising From Policies and Practices Relating to Customer Interconnection, Jurisdictional Separations and Rate Structure, FCC 76-879, released September 27, 1976.

program to proceed for data and ancillary devices, but stayed implementation of the program as it applies to customer-provided extension telephones, main station telephones, PBX, key telephone systems and carrier-provided equipment.

4. Our "First Report" in Docket No. 20003, FCC 76-879, was released September 27, 1976. That Docket was initiated by a "Notice of Inquiry" issued April 10, 1974, 46 F.C.C. 2d 214 (1974), and supplemented December 17, 1974, 50 F.C.C. 2d 574 (1974). Two of the key issues specified in the investigation concerned the economic effect on telephone service costs and charges of: (1) The interconnection of customer-provided terminals and other facilities to the switched telephone network; and (2) jurisdictional separation of property costs, revenues, expenses, taxes and reserves between intrastate and interstate services. FCC 76-879 at para. 32. Matters pertaining to separations procedures are the joint responsibility of the National Association of Regulatory Utility Commissioners (NARUC), which represents the states, and this Commission. 47 U.S.C. 410(c).

II. DISCUSSION

5. Under present separations and settlement procedures part of the costs incurred by the local telephone company in providing terminal equipment are allocated to interstate services and a corresponding share of interstate revenues are returned to the local company to cover such costs. In addition, the local company imposes a lease charge on those customers who use company-provided terminal equipment. Thus it is alleged that the total revenues flowing to the local telephone company due to its provision of terminal equipment—from both direct lease charges and indirect separations/settlements distribution—may substantially exceed its total costs of providing such equipment. When customers provide their own equipment, it is alleged that the local companies thus suffer a double loss, i.e., the direct lease revenues plus the indirect separations revenues. In effect, it is argued that this will result in a net reduction in revenues for the local telephone company (i.e., that revenue reduction will exceed actual cost reduction) when customers provide their own terminal equipment.

6. There is some question whether there is a net excess of revenues over costs for telephone-company provided terminal equipment, or whether direct lease charges have simply been reduced below total costs given the recognition

³ Jurisdictional separations procedures are applicable to property costs, revenues, expenses, taxes and reserves and are designed primarily for the allocation of those items between state and interstate jurisdictions. The fundamental basis on which separations are made is the relative usage of telephone plant in each of the operations. Those items which are specifically attributable to one or the other jurisdiction are directly assigned. See, Separations Manual, MARUC-FCC Cooperative Committee on Communications, February, 1971, §§ 11.11-11.13.

that any differences would be made up through distribution of interstate revenues via the separations and settlement process.⁴ There is the further question whether the separations/settlement procedures were intended or should be used as a mechanism whereby users of interstate communications services provide a blanket form of subsidization for all local services (including leasing of sophisticated terminal equipment and the provisions of business exchange service) as well as local residential exchange service. Finally, it is not clear whether the introduction of customer-provided equipment will have any significant net effect on indirect revenues received through the separations/settlement process, given that the revenues remaining in the interstate pool (which will be larger due to the lessened ability of the local company to assign terminal equipment costs to interstate service and receive compensation therefor) are ultimately divided among all the participating companies.

7. We found in Docket No. 20003 that no evidence of adverse economic impact on local telephone service rates had been shown, nor was there evidence that any such impact was likely in the near term. Nevertheless, we recognized that the separations process could work to the detriment of the independent telephone industry in the event any significant shift to customer-provided equipment should occur. The pleadings were deficient in not suggesting possible changes in the separations procedures which would mitigate the adverse consequences. Thus the inquiry instituted herein is intended to develop alternative modifications to the separations procedures. In doing this, we have noted that the objective is not simply to preserve the existing level of revenues flowing to the independent telephone industry:

A mechanism to ameliorate the impact of direct or indirect contribution losses, if any, due to interconnect competition must be determined to insure that the benefits from any separations change actually flow to basic local telephone service subscribers * * *. Steps would also be necessary to insure that business vertical services, rather than basic local telephone services, are not among the beneficiaries of separations effects as we find they have been in the past.

FCC 76-879 at para. 228.

8. Accordingly, we are hereby instituting this inquiry and rulemaking proceeding for the purpose of determining whether and if so to what extent the use of customer-provided equipment will affect the revenues received by local telephone companies through the separations/settlement process; what modifications, if any, should be made in existing separations procedures to ameliorate or avoid any adverse revenue consequences which might result through the continued application of existing separations procedures in an environment of cus-

tomers-provided terminal equipment; and what safeguards should be incorporated to ensure that any revenues flowing from the interstate revenue pool are distributed among various basic local services according to public rather than private policies.

9. We wish to make it clear that we are including a proposed rulemaking designation herein in order to facilitate the implementation of our final decision in this proceeding. At this stage we are unable to determine whether there is a need for any action by this Commission, and if so, what that action should be. We expect to develop in this proceeding, however, all relevant, material and probative data and information needed for us to decide the issues presented. Insofar as rule changes may be deemed necessary or desirable, we will be prepared to issue all orders as may be required to implement such changes.

10. Accordingly, Pursuant to sections 4(i), 4(j), 205, 213, 215, 403, 404 and 410 of the Communications Act of 1934, 47 U.S.C. 154(i), 154(j), 205, 213, 215, 403, 404 and 410, as amended: *It is ordered*, That the aforementioned inquiry and proposed rulemaking proceeding is hereby instituted.

11. *It is further ordered*, That a Joint Board is hereby convened pursuant to the provisions of section 410(c) of the Communications Act, 47 U.S.C. 410(c), as amended; that such Joint Board shall consist of the three members of this Commission's Telephone Committee, and four State Commissioners to be nominated by NARUC and approved by this Commission; and that the Chairman of this Commission shall be Chairman of the Joint Board.

12. *It is further ordered*, That the Joint Board shall consider all information, data, comments, views and other submissions which pertain to the issues designated in paragraph 8, *supra*, and shall prepare a recommended decision to the Commission for its consideration and action; and that the State Commission members of the Joint Board shall sit with the Commission *en banc* at any oral argument that may be scheduled in this proceeding and shall be afforded an opportunity to participate in the Commission's deliberation, but not vote, when the Commission is considering the recommended decision of the Joint Board.

13. *It is further ordered*, That the schedule and deadlines for the filing of comments, reply comments or any other submissions or information on this matter shall be established by the Joint Board and publicized by a Public Notice from this Commission.

FEDERAL COMMUNICATIONS
COMMISSION,⁵

VINCENT J. MULLINS,
Secretary.

[FR Doc. 76-33436 Filed 11-11-76; 8:45 am]

⁴Evidence supporting this occurrence in New York, Vermont and Massachusetts was presented in Docket No. 20003. See, FCC 76-879 at paras. 194-212.

⁵Commissioner Hooks concurring in the result, Commissioner Washburn absent; Commissioner White not participating.

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Parts 10 and 21]

MIGRATORY BIRDS

Proposed Revision of List

This proposal would amend § 10.13 by revising the list of migratory birds protected under the Migratory Bird Treaty Act, 16 U.S.C. 703 et seq. This revision will bring the migratory bird list up to date by including those birds covered by the Treaty with Japan, and will also change the format of the list.

Background. The United States, through the United States Fish and Wildlife Service, regulates all aspects of the taking, transportation, and sale of migratory birds, pursuant to the Migratory Bird Treaty Act. That Act implements treaties with Canada, Mexico, and Japan for the conservation of migratory birds. The Mexican Treaty was amended in 1972, adding 32 families to the list of protected birds. The Japanese Treaty came into effect in 1974. That Treaty also added certain species to the list of protected birds.

Federal regulations governing the hunting of migratory birds are found in Part 20 of this title of the CFR. All other activities with migratory birds must take place pursuant to a permit issued under Part 21 of this title of the CFR. Certain migratory birds are also protected under other statutes. For instance, the bald and golden eagles are covered by the Bald Eagle Act. In addition, some species are either endangered or threatened and therefore are covered by the Endangered Species Act of 1973. Regulations implementing these statutes are also found in Title 50 of the CFR. Finally, there are regulations generally governing the import, export, and interstate transportation of all wildlife, including migratory birds.

The species of birds which are termed "migratory birds" and therefore covered by the Migratory Bird Treaty Act, are those which are specified in the various treaties referred to above. However, since the taxonomic groups referred to by the treaties include a wide variety of families and species of migratory birds, the Service has included a list of migratory birds with its regulations.

DEFINITION OF MIGRATORY BIRDS

Included in this proposal is an amendment to the definition of migratory birds in § 10.12. The purpose of the amendment is to resolve any ambiguities as to what is considered, for the purposes of these regulations, to be a migratory bird. There has also been some confusion over the treatment to be accorded to hybrids and mutants. It is the position of the Service that this confusion has been to the detriment of the protection and proper regulation of the migratory bird resources intended to be covered by the treaties. Therefore, the Service is proposing to amend the definition.

DESCRIPTION OF THE PROPOSAL

Amendment number 1 in the proposal would amend the definition of migratory birds in § 10.12. Its purpose has been described in the preceding section.

Amendment number 2 in the proposal would amend § 21.12 by adding an exception to the permit requirements in paragraph (c).

Amendment number 3 would revise § 10.13 by deleting the designations of "game" and "nongame." These designations are not necessary, since game birds are defined in § 20.11 as all those migratory birds for which open seasons are prescribed in Part 20. There has been confusion in the past because some species of birds which are included in the game bird families are now protected and no open season is authorized. Some of those species are endangered, and it would be a violation of law to take them without a permit at any time. Yet, they appeared in the list of migratory game birds.

Generally, the birds are listed alphabetically by the most widely used common name, followed by the scientific names. Exceptions to this are species of hawks and owls which can be used for falconry, and which are listed under the heading "Raptor." In addition, all species of ducks are listed under the heading "Duck" for easier reference.

PUBLIC COMMENTS SOLICITED

The Service wishes these amendments to be as responsive as possible to the needs of the conservation of migratory birds. In addition, the Service feels that there may be helpful comments from the public in regard to the scientific and common names of the migratory birds listed in § 10.13. Comments, suggestions, and objections regarding these proposals are invited.

SUBMITTAL OF WRITTEN COMMENTS

Interested persons may participate in this rulemaking by submitting written comments, preferably in triplicate, to the Director (FWS/LE), U.S. Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. All relevant comments received no later than December 13, 1976, will be considered. Comments received will be available for public inspection during normal business hours at the Service's Office in Suite 600, 1612 K Street, NW., Washington, D.C. 20240.

Accordingly, it is hereby proposed to amend Part 10, Subchapter B of Chapter I, Title 50 of the Code of Federal Regulations, as set forth below.

Dated: November 8, 1976.

GEORGE W. MILIAS,
Acting Director,
Fish and Wildlife Service.

1. Amend § 10.12 by revising the definition of "migratory birds" to read as follows:

§ 10.12 Definitions.

"Migratory birds" means all birds, whatever their origin and whether or not

raised in captivity, listed in § 10.13. Birds which are mutations of listed birds (such as grey or silver call ducks), and birds which are the result of hybridization between listed birds or between listed and non-listed birds are considered "migratory birds." In addition, any part of a bird that can be identified as to a family of birds included in the terms of a convention between the United States and any foreign country shall be considered a "migratory bird" (such as a plucked, headless carcass of a plover, family Charadriidae, which is included in the Treaty with Mexico).

2. Revise § 10.13 to read as follows:

§ 10.13 List of migratory birds.

The following is a list of migratory birds which have been determined to be included in the terms of the conventions between the United States and Great Britain, Mexico, and Japan for the protection of migratory birds as implemented by the Migratory Bird Treaty Act, 16 U.S.C. 703-771. They are listed by common name, followed by the scientific name.

- Albatross:
 - Black-footed *Diomedea nigripes*.
 - Laysan *Diomedea immutabilis*.
 - Short-tailed *Diomedea albatrus*.
- Anhinga *Anhinga anhinga*.
- Auklet:
 - Gassin's *Ptychoramphus aleuticus*.
 - Crested *Aethia cristatella*.
 - Least *Aethia pusilla*.
 - Parakeet *Cyclorhynchus psittacula*.
 - Rhinoceros *Cerorhinca monocerata*.
 - Whiskered *Aethia pygmaea*.
- Avocet: *American Recurvirostra americana*.
- Bittern:
 - American *Botaurus lentiginosus*.
 - Chinese Little *Ixobrychus sinensis*.
 - Least *Ixobrychus exilis*.
 - Schrenck's Little *Ixobrychus eurhythmus*.
- Blackbird:
 - Brewer's *Euphagus cyanocephalus*.
 - Red-winged *Agelaius phoeniceus*.
 - Rusty *Euphagus carolinus*.
 - Tricolored *Agelaius tricolor*.
 - Yellow-headed *Xanthocephalus xanthocephalus*.
- Bluebird:
 - Eastern *Sialia sialis*.
 - Mountain *Sialia currucoides*.
 - Western *Sialia mexicana*.
- Bobolink *Dolichonyx oryzivorus*.
- Booby:
 - Blue-faced *Sula dactylatra*.
 - Blue-footed *Sula nebouxi*.
 - Brown *Sula leucogaster*.
 - Red-footed *Sula sula*.
- Brambling *Fringilla montifringilla*.
- Brant:
 - Atlantic *Branta bernicla*.
 - Black *Branta nigricans*.
- Bullfinch *Pyrrhula pyrrhula*.
- Bunting:
 - Indigo *Passerina cyanea*.
 - Lark *Calamospiza melanocorys*.
 - Lazuli *Passerina amoena*.
 - Painted *Passerina ciris*.
 - Rustic *Emberiza rustica*.
 - Varied *Passerina versicolor*.
- Bush-tit: Common
 - Common (Black-eared) *Psittiparus minimus*.
 - Cardinal *Cardinalis cardinalis*.

- Catbird:
 - Grey-headed (Alaska) *Parus cinctus*.
 - Mexican *Parus sclateri*.
 - Mountain *Parus gambeli*.
- Chuck-will's-widow *Caprimulgus carolinensis*.
- Condor: California *Gymnogyps californianus*.
- Coot:
 - American *Fulica americana*.
 - Eurasian *Fulica atra*.
- Cormorant:
 - Brandt's *Phalacrocorax penicillatus*.
 - Double-crested *Phalacrocorax auritus*.
 - Olivaceous *Phalacrocorax olivaceus*.
 - Pelagic *Phalacrocorax pelagicus*.
 - Red-faced *Phalacrocorax urile*.
- Cowbird:
 - Bronzed (Red-eyed) *Molothrus aeneus*.
 - Brown-headed *Molothrus ater*.
- Crane:
 - Corn *Grus crex*.
 - Grane:
 - Sandhill (Little Brown) *Grus canadensis*.
 - Whooping *Grus americana*.
- Creeper: Brown *Certhia familiaris*.
- Crossbill: Red *Loxia curvirostra*.
- Crow:
 - Common *Corvus brachyrhynchos*.
 - Mexican crow *Corvus imparatus*.
- Cuckoo:
 - Black-billed *Coccyzus erythrophthalmus*.
 - Common *Cuculus canorus*.
 - Hawk *Cuculus fugax*.
 - Mangrove (Maynard's) *Coccyzus minor*.
 - Oriental (Himalayan) *Cuculus saturatus*.
 - Yellow-billed *Coccyzus americana*.
- Curlew:
 - Australian *Numenius madagascariensis*.
 - Bristle-thighed *Numenius tahitiensis*.
 - Eskimo *Numenius borealis*.
 - Long-billed *Numenius americanus*.
- Dickcissel *Spiza americana*.
- Dipper (Water Ouzel) *Cinclus mexicanus*.
- Dotterel *Eudromias morinellus*.
- Dove:
 - Ground *Columba passerina*.
 - Inca *Scardafella inca*.
 - Mourning *Zenaida macroura*.
 - Ruddy Quail *Geotrygon montana*.
 - White-fronted *Leptotila verreauxi*.
 - White-winged *Zenaida asiatica*.
 - Zenaida *Zenaida aurita*.
- Dovekie *Alle alle*.
- Dowitcher:
 - Long-billed *Limnodromus scolopaceus*.
 - Short-billed *Limnodromus griseus*.
- Duck:
 - Surface Feeding:
 - American *Anas americana*.
 - Baikal *Anas formosa*.
 - Black *Anas rubripes*.
 - Blue-winged *Anas discors*.
 - Cinnamon *Anas cyanoptera*.
 - European *Anas penelope*.
 - Falcated *Anas falcata*.
 - Gadwall *Anas strepera*.
 - Garganey *Anas querquedula*.
 - Green-winged *Anas crecca*.
 - Hawaiian *Anas wyvilliana*.
 - Mallard *Anas platyrhynchos*.
 - Mexican (New Mexican) *Anas diazi*.
 - Mottled (Florida and Louisiana) *Anas fulvigula*.
 - Northern Shoveler *Anas clypeata*.
 - Pintail *Anas acuta*.
 - Wood *Aix sponsa*.
 - Diving:
 - Barrow's *Bucephala islandica*.
 - Bufflehead *Bucephala albeola*.
 - Canvasback *Aythya valisineria*.
 - Common *Bucephala clangula*.
 - Greater *Aythya marila*.
 - Lesser *Aythya affinis*.
 - Redhead *Aythya americana*.
 - Ring-necked *Aythya collaris*.
 - Tufted *Aythya fuligula*.

- Pochard:
Baer's *Aythya baeri*.
Common *Aythya ferina*.
- Scoter:
Black (Common) *Oidemia nigra*.
Surf *Melanitta perspicillata*.
White-winged *Melanitta deglandi*.
- Tree:
Black-bellied *Dendrocygna autumnalis*.
Fulvous *Dendrocygna bicolor*.
- Merganser:
Common (American) *Mergus merganser*.
Hooded *Lophodytes cucullatus*.
Red-breasted *Mergus serrator*.
- Elder:
Common *Somateria mollissima*.
King *Somateria spectabilis*.
Steller's *Polysticta stelleri*.
Pacific *Somateria niger*.
- Sea Ducks:
Harlequin *Histrionicus histrionicus*.
Oldsquaw *Clangula hyemalis*.
- Ruddy Ducks or Stiff Tails:
Masked *Oxyura dominica*.
Ruddy *Oxyura jamaicensis*.
- Dunlin: (Red-backed Sandpiper) *Erolia alpina*.
- Eagle:
Bald *Haliaeetus leucocephalus*.
Golden *Aquila chrysaetos*.
Gray Sea *Haliaeetus albicilla*.
Steller's Sea *Haliaeetus pelagicus*.
- Egret:
Cattle *Bubulcus ibis*.
Common *Casmerodius albus*.
Plumed Egret *Ardea intermedia*.
Reddish *Dischrochanna rufescens*.
Snowy *Egretta thula*.
- Falcon: (See Raptor)
- Finch:
Cassin's *Carpodacus cassinii*.
House *Carpodacus mexicanus*.
Purple *Carpodacus purpureus*.
- Flamingo: American *Phoenicopterus ruber*.
- Flicker:
Gilded *Colaptes chrysoides*.
Red-shafted *Colaptes chrysoides*.
Yellow-shafted *Colaptes chrysoides*.
- Flycatcher:
Acadian *Empidonax virens*.
Alder *Empidonax aliorum*.
Ash-throated *Myiarchus cinerascens*.
Beardless *Camptostoma imberbe*.
Buff-breasted *Empidonax fulvifrons*.
Chinese grey-spotted *Muscicapa griseisticta*.
Coues' *Contopus pertinax*.
Dusky *Empidonax oberholseri*.
Gray *Empidonax wrightii*.
Great Crested *Myiarchus cinerascens*.
Hammond's *Empidonax hammondi*.
Kiskadee (Derby) *Pitangus sulphuratus*.
Least *Empidonax minimus*.
Narcissus *Muscicapa narcissina*.
Nutting's *Myiarchus nuttingi*.
Olivaceous *Myiarchus tuberculifer*.
Olive-sided *Nuttallornis borealis*.
Scissor-tailed *Muscivora forficata*.
Vermilion *Pyrocephalus rubinus*.
Western *Empidonax difficilis*.
Wied's Crested *Myiarchus tyrannulus*.
Willow *Empidonax traillii*.
Yellow-bellied *Empidonax flaviventris*.
- Frigatebird:
Greater *Fregata minor*.
Lesser *Fregata ariel*.
Magnificent *Fregata magnificens*.
- Fulmar: Northern *Fulmarus glacialis*.
- Gallinule:
Common *Gallinula chloropus*.
Purple *Porphyrio martinica*.
- Gannet *Morus bassanus*.
- Gnatcatcher:
Black-capped *Poliophtila nigriceps*.
Black-tailed *Poliophtila melanura*.
Blue-gray *Poliophtila caerulea*.
- Godwit:
Bar-tailed *Limosa lapponica*.
Hudsonian *Limosa haemastica*.
Marbled *Limosa fedoa*.
- Goldfinch:
American *Spinus tristis*.
Lawrence's *Spinus lawrencei*.
Lesser *Spinus psaltria*.
- Goose:
Barnacle *Branta leucopsis*.
Bean *Anser fabalis*.
Canada *Branta canadensis*.
Emperor *Phalacrocorax anagica*.
Ross's *Chen rossii*.
Snow *Chen caerulescens*.
White-fronted (Tule) *Anser albifrons*.
- Grackle:
Boat-tailed *Cassidix major*.
Common *Quiscalus quiscula*.
Great-tailed *Quiscalus mexicanus*.
- Grebe:
Eared *Podiceps nigricollis*.
Horned *Podiceps auritus*.
Least *Podiceps dominicus*.
Pied-billed *Podilymbus podiceps*.
Red-necked (Holboell's) *Podiceps grisegena*.
Western *Aechmophorus occidentalis*.
- Greenshank *Tringa nebularia*.
- Grosbeak:
Black-headed *Pheucticus melanocephalus*.
Blue *Guitaca caerulea*.
Evening *Hesperiphona vespertina*.
Pine *Pinicola enucleator*.
Rose-breasted *Pheucticus ludovicianus*.
- Guillemot:
Black *Cephus grylle*.
Pigeon *Cephus columba*.
- Gull:
Black-headed *Larus ridibundus*.
Black-tailed *Larus crassirostris*.
Bonaparte's *Larus philadelphia*.
California *Larus californicus*.
Franklin's *Larus pipixcan*.
Glaucous *Larus hyperboreus*.
Glaucous-winged *Larus glaucescens*.
Great Black-backed *Larus marinus*.
Heermann's *Larus heermanni*.
Herring *Larus argentatus*.
Iceland *Larus glaucoideus*.
Ivory *Pagophila eburnea*.
Laughing *Larus atricilla*.
Little *Larus minutus*.
Mew *Larus canus*.
Ring-billed *Larus delawarensis*.
Ross' *Rhodostethia rosea*.
Sabine's *Xema sabini*.
Slaty-backed *Larus schistisagus*.
Thayer's *Larus thayeri*.
Western *Larus occidentalis*.
- Hawk (See Raptor)
- Hawfinch *Coccothraustes coccothraustes*.
- Heron:
Black-crowned Night *Nycticorax nycticorax*.
Great Blue *Ardea herodias*.
Green *Butorides striatus*.
Japanese Night *Corsachius gotsagi*.
Little Blue *Florida caerulea*.
Louisiana *Hydranassa tricolor*.
Reef *Demigretta sacra*.
Yellow-crowned Night *Nyctanassa violacea*.
- Hummingbird:
Allen's *Selasphorus sasin*.
Anna's *Calypte anna*.
Berylline *Amazilia beryllina*.
Black-chinned *Archilohus alexandri*.
Blue-throated *Lampornis clemenciae*.
Broad-billed *Cyanocitta latirostris*.
Broad-tailed *Selasphorus platycercus*.
Buff-bellied *Amazilia yucatanensis*.
Calliope *Stellula calliope*.
Costa's *Calypte costae*.
- Heloise's *Attnis heloisae*.
Lucifer *Calothorax lucifer*.
Rivoli's *Eugenes fulgens*.
Ruby-throated *Archilochus colubris*.
Rufous *Selasphorus rufus*.
Rufous-tailed *Amazilia tzucatl*.
Violet-crowned *Amazilia verticalis*.
Violet-eared *H'bird Colibri thalassinus*.
White-eared *Hylocharis leucotis*.
- Ibis:
Glossy *Plegadis falcinellus*.
White *Eudocimus albus*.
White-faced *Plegadis chihi*.
- Jabiru *Jabiru mycteria*.
- Jacana *Jacana spinosa*.
- Jacksnipe *Lymnocyrtus minimus*.
- Jaeger:
Long-tailed *Stercorarius longicaudus*.
Parasitic *Stercorarius parasiticus*.
Pomarine *Stercorarius pomarinus*.
- Jay:
Green *Cyanocorax yncas*.
Mexican *Aphelocoma ultramarina*.
Pinon *Gymnorhinus cyanocephalus*.
Scrub *Aphelocoma coerulescens*.
Steller's *Cyanocitta stelleri*.
- Junco:
Dark-eyed (Oregon, Slate-colored, White-winged) *Junco hyemalis*.
Gray-headed *Junco caniceps*.
Yellow-eyed (Mexican) *Junco phaeonotus*.
- Killdeer *Charadrius vociferus*.
- Kingbird:
Cassin's *Tyrannus vociferans*.
Eastern *Tyrannus tyrannus*.
Gray *Tyrannus dominicensis*.
Thick-billed *Tyrannus crassirostris*.
Tropical (Couch's) *Tyrannus melanocolor*.
Western (Arkansas) *Tyrannus verticalis*.
- Kingfisher:
Belted *Megasceryle alcyon*.
Green *Chloroceryle americana*.
Ringed *Megasceryle torquata*.
- Kinglet:
Golden-crowned *Regulus satrapa*.
Ruby-crowned *Regulus calendula*.
- Kite:
Black *Milvus migrans*.
Double toothed *Harpagus bidentatus*.
Everglade *Rostrhamus sociabilis*.
Everglade *Rostrhamus sociabilis*.
Swallow-tailed *Elanoides forficatus*.
White-tailed *Elanus leucurus*.
- Kittiwake:
Black-legged *Rissa tridactyla*.
Red-legged *Rissa brevirostris*.
- Knot:
Red *Calidris canutus*.
Great *Calidris tenuirostris*.
- Lark: Horned *Eremophila alpestris*.
- Limpkin *Aramus guarauna*.
- Longspur:
Chestnut-collared *Calcarius ornatus*.
Lapland *Calcarius lapponicus*.
McCown's *Calcarius mccownii*.
- Loon:
Arctic (Pacific) *Gavia arctica*.
Common *Gavia immer*.
Red-throated *Gavia stellata*.
Yellow-billed *Gavia adamsii*.
- Martin:
Gray-breasted *Progne subis*.
Purple *Progne subis*.
- Meadowlark:
Eastern *Sturnella magna*.
Western *Sturnella neglecta*.
- Mockingbird: Common *Mimus polyglottos*.
- Murre:
Common *Uria aalge*.
Thick-billed (Brunnich's) *Uria lomvia*.
- Murrelet:
Ancient *Synthliboramphus antiquus*.
Craveri's *Endomychura craveri*.
Marbled *Brachyramphus marmoratus*.
Xantus' *Endomychura nypoleuca*.

Nighthawk:

Common *Chordeiles minor*.
Lesser (Texas) *Chordeiles acutipennis*.
Nightjar: Jungle *Caprimulgus indicus*.

Noddy:

Blue-grey (Grey ternlet) *Procelsterna cerulea*.
Brown *Anous stolidus*.
Lesser (Black) *Anous tenuirostris*.

Nutcracker: Clark's *Nucifraga columbiana*.

Nuthatch:

Pigmy *Sitta pygmaea*.
Red-breasted *Sitta canadensis*.
White-breasted *Sitta carolinensis*.

Oriole:

Black-headed (Audubon's) *Icterus gr-
duacauda*.
Black-vented *Icterus wagleri*.
Hooded (Sennett's) *Icterus cucullatus*.
Lichtenstein's (Altamira) *Icterus
gularis*.
Northern (Baltimore and Bullock's)
Icterus galbula.
Orchard *Icterus spurius*.
Scarlet-headed *Icterus pustulatus*.
Scott's *Icterus parisorum*.

Osprey *Pandion haliaetus*.

Ovenbird *Seiurus aurocapillus*.

Owl: (also see Raptors)

Barn *Tyto alba*.
Barred *Strix varia*.
Burrowing *Speotyto cunicularia*.
Elf *Micratene whitneyi*.
Ferruginous *Glaucidium brasilianum*.
Flammulated *Atus flammeolus*.
Long-eared *Asio otus*.
Pygmy *Glaucidium gnoma*.
Saw-whet *Aegolius acadicus*.
Screech *Otus asio*.
Short-eared *Asio flammeus*.
Snowy Owl *Strix occidentalis*.
Whiskered *Otus trichopsis*.

Oystercatcher:

American *Haematopus palliatus*.
Black *Haematopus bachmani*.
Pauraque *Nyctidromus albicollis*.

Pelican:

Brown *Pelecanus occidentalis*.
White *Pelecanus erythrorhynchos*.

Petrel:

Ashy Storm *Oceanodroma homochroa*.
Black-capped Petrel *Pterodroma hasi-
tata*.
Black Storm *Oceanodroma melania*.
Bonin *Pterodroma hypoleuca*.
Bulwer's *Bulweria bulwerii*.
Cape Petrel *Daption capense*.
Cooks Petrel *Pterodroma cookii*.
Fork-tailed Storm (*Oceanodroma fur-
cata*).
Harcourt's Storm (Hawaiian) *Oceano-
droma castro*.
Leach's Storm *Oceanodroma leucorhoa*.
Tristram's Storm *Oceanodroma tristrami*.
Wilson's Storm *Oceanites oceanicus*.

Pewee:

Eastern Wood *Contopus virens*.
Western Wood *Contopus sordidulus*.

Phainopepla *Phainopepla nitens*.

Phalarope:

Northern *Lobipes lobatus*.
Red *Phalaropus fulicarius*.
Wilson's *Steganopus tricolor*.

Phoebe:

Black *Sayornis nigricans*.
Eastern *Sayornis phoebe*.
Say's *Sayornis saya*.

Pigeon:

Bang-tailed *Columba fasciata*.
Red-billed *Columba flavirostris*.
White-crowned *Columba leucocephala*.

Pipit:

Indian Tree *Anthus hodgsoni*.
Red-throated *Anthus cervinus*.
Sprague's *Anthus spragueii*.
Water (American) *Anthus spinoletta*.

Plover:

American Golden *Pluvialis dominica*.
Black-bellied *Pluvialis squatarola*.
Greater Sand *Charadrius ireschenaultii*.
Lanwing *Vanellus vanellus*.
Little Ringed *Charadrius dubius*.
Mongolian *Charadrius mongolus*.
Mountain *Charadrius montanus*.
Piping *Charadrius melodius*.
Ringed *Charadrius hiaticula*.
Semipalmated *Charadrius semipalmatus*.
Snowy *Charadrius alexandrinus*.
Wilson's *Charadrius wilsonia*.

Poor-will: Common *Phalaenoptilus nuttallii*.

Puffin:

Common *Fratercula artica*.
Horned *Fratercula corniculata*.
Tufted *Lunda cirrhata*.

Pyrrhuloxia *Pyrrhuloxia sinuata*.

Rail:

Black *Laterallus jamaicensis*.
Clapper *Rallus longirostris*.
King *Rallus elegans*.
Sora *Porzana carolina*.
Virginia *Rallus himicola*.
Yellow *Coturnicops noveboracensis*.

Raptor:

Caracara: Audubon's *Caracara chertway*.

Falcon:

Aplomado *Falco femoralis*.
Peregrine *Falco peregrinus*.
Prairie *Falco mexicanus*.

Forest-falcon:

Goshawk *Accipiter gentilis*.
Gyr Falcon *Falco rusticolus*.

Hawk:

Black *Buteogallus anthracinus*.
Broad-winged *Bueo platypterus*.
Cooper's *Accipiter cooperii*.
Ferruginous *Buteo regalis*.
Gray *Buteo nitidus*.
Harris' *Parabuteo unicinctus*.
Japanese Sparrow *Accipiter virgatus*.
Marsh *Circus cyaneus*.
Red-shouldered *Buteo lineatus*.
Red-tailed *Buteo jamaicensis*.
Rough-legged *Buteo lagopus*.
Sharp-shinned *Accipiter striatus*.
Short-tailed *Bueo brachyurus*.
Swainson's *Buteo swainsoni*.
White-tailed *Buteo albicaudatus*.
Zone-tailed *Buteo albonotatus*.
Kestrel: American *Falco sparverius*.
Merlin *Falco columbarius*.
Owl: Great Horned *Bubo virginianus*.

Raven: Common *Corvus corax*.

Razorbill *Alca torda*.

Redpoll:

Common *Acanthis flammea*.
Hoary *Acanthis hornemanni*.

Redshank: Spotted *Tringa erythropus*.

Redstart:

American *Setophaga ruticilla*.
Painted *Setophaga pictus*.
Slate-throated *Myioborus miniatus*.

Roadrunner: Greater *Geococcyx californi-
nus*.

Robin:

American *Turdus migratorius*.
Rufous-backed *Turdus rufopalliatus*.

Rubythroat: Siberian *Luscinia caliope*.

Ruff *Philomachus pugnax*.

Sanderling *Calidris alba*.

Sandpiper:

Baird's *Calidris bairdii*.
Broad-billed *Limicola talpiniellus*.
Buff-breasted *Tryngites subruficollis*.
Common *Tringa hypoleucos*.
Curlew *Calidris ferruginea*.
Least *Calidris minutilla*.
Pectoral *Calidris melanotos*.
Purple *Calidris maritima*.
Rock (Aleutian) *Calidris pilocnemis*.
Rufous-necked *Calidris ruficollis*.
Semipalmated *Calidris pusillus*.

Sharp-tailed *Calidris acuminata*.
Solitary *Tringa solitaria*.
Spoon-billed *Eurynorhynchus pygmaeus*.
Spotted *Actitis macularia*.
Stilt *Micropalama himantopus*.
Upland *Bartramia longicauda*.
Western *Calidris mauri*.
White-rumped *Calidris fuscicollis*.
Wood *Tringa glareola*.

Sapsucker:

Williamson's *Sphyrapicus thyroideus*.
Yellow-bellied (Red-naped and Red-
breasted) *Sphyrapicus varius*.

Seed-eater: White-collared *Sporophila tor-
queola*.

Shear-tail:

Mexican *Doricha eliza*.
Slender *Doricha enicura*.

Shearwater:

Audubon's *Suffinus thomasi*.
Christmas Island *Puffinus nativitatus*.
Cory's *Puffinus diomedea*.
Flesh-footed *Puffinus carneipes*.
Greater *Puffinus gravis*.
Manx *Puffinus puffinus*.
Pink-footed *Puffinus creatopus*.
Short-tailed Shearwater *Puffinus tenui-
rostris*.

Sooty shearwater *Puffinus griseus*.

Sooty *Puffinus griseus*.

Wedge-tailed *Puffinus pacificus*.

Shrike:

Loggerhead *Lanius ludovicianus*.
Northern *Lanius excubitor*.

Shrike-tanager: Black-throated *Lanio auran-
tius*.

Silky-flycatcher: Gray *Ptilonotus cinereus*.

Siskin: Pine *Spinus pinus*.

Skua: Northern *Catharacta skua*.

Skimmer: Black *Rynchops nigra*.

Skylark *Alauda arvensis*.

Snow *Mergus albellus*.

Snipe:

Common (Wilson's) *Capella gallinago*.
Swinhoe's *Gallinago megala*.

Solitaire: Townsend's *Myadestes townsendi*.

Sparrow:

Baird's *Ammodramus bairdii*.
Black-chinned *Spizella atrogularis*.
Black-throated *Amphispiza bilineata*.
Botteri's *Aimophila botteri*.
Brewer's *Spizella breweri*.
Cassin's *Aimophila cassini*.
Chipping *Spizella passerina*.
Clay-colored *Spizella pallida*.
Field *Spizella pusilla*.
Five-striped *Aimophila quinquestriata*.
Fox *Passerella iliaca*.
Golden-crowned *Zonotrichia atricapilla*.
Grasshopper *Ammodramus savannarum*.
Lark *Chondestes grammacus*.
Lincoln's *Melospiza lincolni*.
Olive (Texas) *Arremonops rufivirgata*.
Rufous-crowned *Aimophila ruficeps*.
Rufous-winged *Aimophila carpalis*.
Sage (Bell's) *Amphispiza belli*.
Savannah (Ipswich) *Passerculus sand-
wichensis*.
Song *Melospiza melodia*.
Swamp *Melospiza georgiana*.
Vesper *Pooecetes gramineus*.
White-crowned *Zonotrichia leucophrys*.
White-throated *Zonotrichia albicollis*.
Worthen's *Spizella wortheni*.

Spoonbill: Roseate *Ajaia ajaja*.

Starling:

Asny *Sturnus cineraceus*.
Violet-backed *Sturnus philipensis*.

Stilt: Black-necked *Himantopus mexicanus*.

Stint:

Long-toed *Calidris subminuta*.
Temminck's *Calidris temminckii*.

Stork: Wood *Mycteria americana*.

Surfbird: *Aphriza virgata*.

Swallow:

Bank *Riparia riparia*.
 Barn *Hirundo rustica*.
 Cave *Petrochelidon fulva*.
 Cliff *Petrochelidon pyrrhonota*.
 Rough-winged *Stelgidopteryx ruficollis*.
 Tree *Iridoprocne bicolor*.
 Violet-green *Tachycineta thalassina*.

Swan:

Trumpeter *Olor buccinator*.
 Whistling *Olor columbianus*.
 Whooper *Olor cygnus*.

Swift:

Black *Gypsoides niger*.
 Chimney *Chaetura pelagica*.
 Vaux's *Chaetura vauzi*.
 White-rumped *Apus pacificus*.
 White-throated *Aeronautes saxatalis*.

Tanager:

Hepatic *Piranga flava*.
 Scarlet *Piranga olivacea*.
 Summer *Piranga rubra*.
 Western *Piranga ludoviciana*.

Tattler:

Polynesian *Heteroscelus brevipes*.
 Wandering *Heteroscelus incanus*.

Tern:

Aleutian *Sterna aleutica*.
 Arctic *Sterna paradisaea*.
 Black *Chlidonias niger*.
 Black-naped *Sterna sumatrana*.
 Bridled (Gaviota Oscura) *Sterna anaethetus*.
 Caspian *Sterna caspia*.
 Common *Sterna hirundo*.
 Elegant *Sterna elegans*.
 Fairy (White) *Gygis alba*.
 Forster's *Sterna forsteri*.
 Gray-backed *Sterna lunata*.
 Gull-billed *Gelochelidon nilotica*.
 Least *Sterna albifrons*.
 Roseate *Sterna dougallii*.
 Royal *Sterna mazinus*.
 Sandwich (Cabot's) *Sterna sandvicensis*.
 Sooty *Sterna fuscata*.
 White-winged Black *Chlidonias leucocopterus*.
 White Tern *Gygis alba*.

Thrasher:

Bendire's *Toxostoma bendirei*.
 Brown *Toxostoma rufum*.
 California *Toxostoma redivivum*.
 Crissal *Toxostoma corsale*.
 Curve-billed *Toxostoma curvirostre*.
 Le Conte's *Toxostoma lecontei*.
 Long-billed (Sennet's) *Toxostoma longirostre*.
 Sage *Oreoscoptes montanus*.

Thrush:

Eye-browed *Turdus obscurus*.
 Gray-cheeked *Catharus minimus*.
 Hermit *Catharus guttatus*.
 Swainson's (Russet-backed and Olive-backed) *Catharus ustulatus*.
 Varied *Icterus naevius*.
 Wood *Hylotrichia mustelina*.

Thrush-tanager: Rose-breasted *Rhodocichla rosea*.

Titmouse:

Bridled *Parus wollweberi*.
 Plain *Parus inornatus*.
 Tufted *Parus bicolor*.

Towhee:

Abert's *Pipilo aberti*.
 Brown *Pipilo fuscus*.
 Green-tailed *Chlorura chlorurus*.
 Rufous-sided *Pipilo erythrophthalmus*.

Tropicbird:

Red-billed *Phaethon aethereus*.
 Red-tailed *Phaethon rubricauda*.
 White-tailed *Phaethon lepturus*.

Turnstone:

Black *Arenaria melanocephala*.
 Ruddy *Arenaria interpres*.

Veery *Catharus fuscescens*.

Verdin *Auriparus flaviceps*.

Vireo:

Bell's *Vireo bellii*.
 Black-capped *Vireo atricapilla*.
 Gray *Vireo vicinior*.
 Hutton's *Vireo huttoni*.
 Philadelphia *Vireo philadelphicus*.
 Red-eyed *Vireo olivaceus*.
 Solitary *Vireo solitarius*.
 Warbling *Vireo gilvus*.
 White-eyed *Vireo griseus*.
 Yellow-green *Vireo flavitiridis*.
 Yellow-throated *Vireo flavifrons*.

Vulture:

Black *Coragyps atratus*.
 King *Sarcophagus papa*.
 Turkey *Cathartes aura*.

Wagtail:

Gray *Motacilla cinerea*.
 White *Motacilla alba*.
 Yellow *Motacilla flava*.

Warbler:

Arctic *Phylloscopus borealis*.
 Bay-breasted *Dendroica castanea*.
 Black-and-white *Minioilta varia*.
 Blackburnian *Dendroica fusca*.
 Blackpoll *Dendroica striata*.
 Black-throated Blue *Dendroica caerulescens*.
 Black-throated Gray *Dendroica nigrescens*.
 Blue-winger *Vermivora pinus*.
 Canada *Wilsonia canadensis*.
 Cape May *Dendroica tigrina*.
 Cerulean *Dendroica cerulea*.
 Chestnut-sided *Dendroica pensylvanica*.
 Colima *Vermivora crissalis*.
 Connecticut *Oporornis agilis*.
 Fan-tailed *Euthlypis lachrymosa*.
 Golden-cheeked *Dendroica chrysoparia*.
 Golden-winged *Vermivora chrysoparia*.
 Grace's *Dendroica graciae*.
 Hermit *Dendroica occidentalis*.
 Hooded *Wilsonia citrina*.
 Kentucky *Oporornis formosus*.
 Kirtland's *Dendroica kirtlandii*.
 Lucy's *Vermivora luciae*.
 MacGillivray's *Oporornis tolmiei*.
 Magnolia *Dendroica magnolia*.
 Middendorff's Grasshopper *Locustella ochotensis*.
 Mourning *Oporornis philadelphia*.
 Nashville *Vermivora ruficapilla*.
 Northern Parula *Parula americana*.
 Olive *Peucedramus taeniatus*.
 Orange-crowned *Vermivora celata*.
 Palm *Dendroica palmarum*.
 Pine *Dendroica pinus*.
 Prairie *Dendroica discolor*.
 Prothonotary *Protonotaria citrea*.
 Red-faced *Cardellina rubrifrons*.
 Sainson's *Limnodynastes swainsoni*.
 Tennessee *Vermivora peregrina*.
 Townsend's *Dendroica townsendi*.
 Tropical Parula (Olive-backed) *Parula pitayumi*.
 Virginia's *Vermivora virginiae*.
 Wilson's *Wilsonia pusilla*.
 Worm-eating *Helminthos vermivorus*.
 Yellow *Dendroica petechia*.
 Yellow-rumped (Audubon's and Myrtle) *Dendroica coronata*.
 Yellow-throated *Dendroica dominica*.

Waterthrush:

Louisiana *Seiurus motacilla*.
 Northern *Seiurus noveboracensis*.

Waxwing:

Bohemian *Bombycilla garrulus*.
 Cedar *Bombycilla cedrorum*.

Wheatear *Oenanthe oenanthe*.

Whimbrel (Hudsonian curlew) *Numenius phaeopus*.

Whip-poor-will: *Caprimulgus vociferus*.

Willow *Catoptrophorus semipalmatus*.

Woodcock:

American *Philohela minor*.
 European *Scelopax rusticola*.

Woodpecker:

Acorn *Melanerpes formicivorus*.
 Black-backed Three-toed *Picoides arcticus*.
 Golden-fronted *Centurus aurifrons*.
 Ivory-billed *Campephilus principalis*.
 Northern Three-toed *Picoides tridactylus*.
 Nuttall's *Picoides nuttalli*.
 Pileated *Dryocopus pileatus*.
 Red-headed *Melanerpes erythrocephalus*.

Wren:

Bewick's *Thryomanes bewickii*.
 Brown-throated *Troglodytes brunneicollis*.
 Cactus *Campylorhynchus brunneicapillus*.
 Canon *Catherpes mexicanus*.
 Carolina *Thryothorus ludovicianus*.
 House *Troglodytes aedon*.
 Long-billed Marsh *Telmatorhynchus palustris*.
 Rock *Salpinctes obsoletus*.
 Short-billed Marsh *Cistothorus platensis*.
 Wrenneck *Jynx torquilla*.

Yellowlegs:

Greater *Tringa melanoleuca*.
 Lesser *Tringa flavipes*.

Yellowthroat:

Northern (Common) *Geothlypis trichas*.
 Gray-crowned *Chamaetlypis poliocephala*.

3. Amend § 21.12 by adding a new paragraph (c), reading as follows:

§ 21.12 General exceptions to permit requirements.

(c) Any person may, without a permit, take, possess, transport, sell, purchase, barter, or offer for sale, purchase or barter, export or import any birds that are hybrids of the family Anatidae which are the result of crosses between birds listed in § 10.13 of this subpart and birds not listed in § 10.3. *Provided*, That such birds can be readily and visibly distinguished by general size or coloration from individuals of species listed in § 10.13.

[FR Doc.76-33447 Filed 11-11-76; 8:45 am]

DEPARTMENT OF
TRANSPORTATION

Federal Railroad Administration

[49 CFR Part 268]

[FRA Economic Doc. 5; Notice 1]

COMMON CARRIERS BY RAILROAD

Regulations Governing Proposed Transactions Submitted to Secretary of Transportation

Correction

In FR Doc. 76-30019, appearing at page 44954, in the issue for Wednesday, October 13, 1976, the following changes should be made:

On page 44956, in the second column, the third line of § 268.3(m) should read "Act of 1976, Pub. L. 94-210."

On page 44956, in the third column, the second line of § 268.7(b)(3)(iv)(C) should read "officers and directors or trustees; and".

On page 44956, in the third column, the second line of § 268.7(b)(3)(v) should read "(ii) through (iv) of this section, if ap-".

On page 44957, at the bottom of the third column, the first line of footnote

"4" should read "Requirements (D) through (K) are not".

On page 44960, in the first column, the eleventh line of § 268.7(b) (7) (iii) (E) should read "(iii) (Exhibit J). Applicants shall furnish".

On page 44961, in the second column, the first line of § 268.7(b) (9) (iii) (K) should read "(K) *Pro forma* statement of changes in".

On page 44961, in the second column, the third line of § 268.7(b) (9) (iv) should read "All statements requested in (A)-(D) of".

On page 44962, in the third column, the first line of § 268.9(f) should read "(f) The Administrator reserves the".

DEPARTMENT OF LABOR

Office of Federal Contract Compliance Programs

[41 CFR 60-1, 60-2, 60-5, 60-8]

EQUAL EMPLOYMENT OPPORTUNITY

Amendment to Previous Notice and Notification of Location of Hearings in Advance of Rulemaking

On November 2, 1976 the Department of Labor published in the FEDERAL REGISTER (41 FR 48128) Notice of Hearings in Advance of Rulemaking to be held in New York, Atlanta, Chicago and Los Angeles, regarding proposed regulations published

for comment in the FEDERAL REGISTER on September 17, 1976 (41 FR 40340). The proposal would revise and redesignate the regulations in 41 CFR Parts 60-1 through 60-60. Significant changes were proposed to replace Part 60-1, Obligations of contractors; Part 60-2, Affirmative action programs; Part 60-30, Hearing rules for sanction proceedings; and Part 60-60, Contractor evaluation procedures for contractors for supplies and services.

Attention is directed to the fact that the heading of said Notice of Hearings contained two errors in that "41 CFR 60-1" was omitted from the CFR designation and the action heading erroneously contained the designation "Charter Reorganization." The appropriate CFR designation is 41 CFR 60-1, 60-2, 60-5, 60-8. The appropriate action heading is Notice of Hearings in Advance of Rulemaking.

The locations of these hearings shall be as follows: U.S. Department of Labor Regional Office, Room 3560, 1515 Broadway, New York, New York 10036 (commencing December 6, 1976); U.S. Courthouse, Room 220, 56 Forsythe Street, N.W., Atlanta, Georgia 30303 (commencing December 6, 1976); Everett McKinley Dirksen Federal Building, Courtroom 1903, 219 S. Dearborn Street, Chicago, Illinois 60604 (commencing De-

cember 13, 1976); Board of Public Works Hearing Room, Room 350, Los Angeles City Hall, 200 N. Spring Street, Los Angeles, California 90012 (commencing December 13, 1976). As previously announced, all hearings shall begin at 8:30 a.m., local time.

Persons or groups wishing to testify but unable to appear in person may submit written testimony for inclusion in the record of the hearings to: Division of Program Planning and Policy, Office of Federal Contract Compliance Programs, New U.S. Department of Labor Building, Room C3325, 200 Constitution Avenue, N.W., Washington, D.C. 20210. If at all possible, such written testimony should be submitted before December 6, 1976. However, any testimony received through December 27, 1976, shall be included in the record.

Signed at Washington, D.C. this 11th day of November 1976.

W. J. USERY, Jr.,

Secretary of Labor.

JOHN C. READ,

Assistant Secretary for
Employment Standards.

LAWRENCE Z. LORBER,

Deputy Assistant Secretary Director, Office of Federal Contract Compliance Programs.

[FR Doc.76-33730 Filed 11-11-76;12:04 pm]

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expiration of the original license, the project has been maintained and operated under an annual license, which expires November 6, 1976. In order to authorize the continued operation and maintenance of the project, pending Commission action on Licensee's application, it is appropriate and in the public interest to issue an annual license to the Alabama Power Company.

Take notice that an annual license is issued to the Alabama Power Company for the period November 7, 1976, to November 6, 1977, or until Federal takeover, or until the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the Jordan Dam Project No. 618 subject to the terms and conditions of the original license. Take further notice that if Federal takeover or issuance of a new license does not take place on or before November 6, 1977, a new annual license will be issued each year thereafter, effective November 7 of each year, until such time as Federal takeover takes place or a new license is issued, without further notice being given by the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 76-33405 Filed 11-11-76; 8:45 am]

[Docket No. RP73-77; (PGA77-1)]

ALABAMA-TENNESSEE NATURAL GAS CO.

Proposed PGA Rate Adjustment

NOVEMBER 2, 1976.

Take notice that on October 4, 1976, Alabama-Tennessee Natural Gas Company (Alabama-Tennessee), P.O. Box 918, Florence, Alabama 35630, tendered for filing as part of its FPC Gas Tariff, Third Revised Volume No. 1, Substitute Eighteenth Revised Sheet No. 3-A. This revised tariff sheet is proposed to become effective as of October 27, 1976.

Alabama-Tennessee states that the sole purpose of such revised tariff sheet is to adjust Alabama-Tennessee's rates pursuant to the PGA provisions of Section 20 of the General Terms and Conditions of its tariff to reflect increased rates to become effective on October 27, 1976, to be charged by its sole supplier, Tennessee Gas Pipeline Company.

The revised tariff sheet provides for the following rates:

Rate schedule:	Substitute eighteenth revised sheet No. 3-A
G-1:	
Demand	\$1.63
Commodity	118.32
SG-1, Commodity	130.23
I-1, Commodity	123.69

Alabama-Tennessee also requests, pursuant to § 154.51 of the Commission's Regulations, a waiver of the thirty days notice requirement because it did not receive Tennessee's increased rate filing upon which Alabama-Tennessee's filing is based until several days after the filing for increased rates was made by Tennessee Gas Pipeline Company.

Alabama-Tennessee states that copies of the filing have been mailed to all of its jurisdictional customers and affected State regulatory Commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 19, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 76-33391 Filed 11-11-76; 8:45 am]

[Docket No. RP77-2]

ALGONQUIN GAS TRANSMISSION CO.

Amendments to purchased Feedstock Adjustment Clause and Purchased Gas Adjustment Clause

NOVEMBER 3, 1976.

Take notice that on October 13, 1976 Algonquin Gas Transmission Company ("Algonquin Gas") tendered for filing Second Revised Sheet No. 20-C and First Revised Sheet No. 129 to its FPC Gas Tariff First Revised Volume No. 1, to become effective October 16, 1976. The designated tariff sheets contain amendments to the Purchased Feedstock Adjustment Clause ("PFAC") under Algonquin Gas' Rate Schedule SNG-1 and the Purchased Gas Adjustment Clause ("PGAC") in the General Terms and Conditions of Algonquin Gas' tariff to provide for carrying charges on the respective deferred accounts. The carrying charge is to be computed on the respective balances, at 1/2 of the annual interest rate set forth in Section 154.67(c) of the Commission's regulations, related to the effective rate applicable to refunds.

Algonquin Gas requests that the Commission grant any special permission which may be necessary to permit such tariff sheets to be made effective on October 16, 1976 and states that the background, as described above, provides support for granting such special permission. Algonquin Gas says that it would appear appropriate to synchronize the carrying charges with the commencement of the SNG delivery season.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before November 16, 1976. Protests will be considered by the Commission in

determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 76-33406 Filed 11-11-76; 8:45 am]

[Project No. 432]

CAROLINA POWER & LIGHT CO.

Issuance of Annual License(s)

NOVEMBER 4, 1976.

On August 7, 1973, the Carolina Power & Light Company, Licensee for the Walters Hydroelectric Development Project No. 432, located on the Pigeon River in Haywood County, North Carolina, filed an application for a new license pursuant to the Federal Power Act and Commission Regulations thereunder.

The license for Project No. 432 was issued effective November 23, 1926, for a period ending November 22, 1976. In order to authorize the continued operation and maintenance of the project, pending Commission action on Licensee's application, it is appropriate and in the public interest to issue an annual license to Carolina Power & Light Company.

Take notice that an annual license is issued to the Carolina Power & Light Company for the period November 23, 1976, to November 22, 1977, or until Federal takeover, or until the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the Walters Hydroelectric Development Project No. 432 subject to the terms and conditions of the original license. Take further notice that if Federal takeover or issuance of a new license does not take place on or before November 22, 1977, a new annual license will be issued each year thereafter, effective November 23 of each year, until such time as Federal takeover takes place or a new license is issued, without further notice being given by the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 76-33401 Filed 11-11-76; 8:45 am]

[Docket No. ES77-2]

CENTRAL TELEPHONE & UTILITIES CORP.

Application for Authority to Issue Securities

NOVEMBER 4, 1976.

Take notice that on October 26, 1976, Central Telephone & Utilities Corporation (Applicant) filed an application pursuant to Section 204 of the Federal Power Act seeking authority to extend to not later than December 31, 1978 the final maturity date of short-term unsecured promissory notes to be authorized to be issued not later than December 31, 1977

in an aggregate principal amount at any one time outstanding of \$85,000,000.

Applicant is incorporated under the laws of the State of Kansas, with its principal business office in Chicago, Illinois. It is engaged in electric utility operations in the southeastern part of Colorado and the central and western portions of the State of Kansas.

Applicant states that the proceeds from the issuance of short-term notes are to provide temporary funds for the construction, completion, extension or improvement of facilities of Applicant and for advances to and investment in subsidiaries of Applicant to be used for the construction and improvement of facilities of such subsidiaries pending permanent financing. The estimated construction programs for the above purposes for 1976, 1977 and 1978 are \$150,000,000, \$17,000,000 and \$186,000,000 respectively.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 26, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-33400 Filed 11-11-76;8:45 am]

[Docket No. CP77-32]

COLUMBIA GAS TRANSMISSION CORP.
Application

NOVEMBER 3, 1976.

Take notice that on October 26, 1976, Columbia Gas Transmission Corporation (Applicant), 1700 MacCorkle Avenue, S.E., Charleston, West Virginia 25314, filed in Docket No. CP77-32 an application pursuant to section 7 of the Natural Gas Act and § 157.7(g) of the Regulations thereunder (18 CFR 157.7(g)), for a certificate of public convenience and necessity authorizing the construction and for permission and approval to abandon for a twelve-month period commencing March 1, 1977, various field compression and related metering and appurtenant facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The stated purpose of this budget-type application is to enable Applicant to act with reasonable dispatch in constructing and abandoning facilities which would not result in changing Applicant's system salable capacity or serv-

ice from that authorized prior to the filing of the instant application.

Applicant states that the total cost of proposed construction and abandonment under § 157.7(g) would not exceed \$3,000,000 and no single project would exceed \$500,000. Applicant also states that the cost of said facilities would be financed with funds generated from internal sources.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 23, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-33408 Filed 11-11-76;8:45 am]

[Docket No. CP77-33]

COLUMBIA GAS TRANSMISSION CORP.
Application

NOVEMBER 3, 1976.

Take notice that on October 26, 1976, Columbia Gas Transmission Corporation (Applicant), 1700 MacCorkle Avenue, S.E., Charleston, West Virginia 25314, filed in Docket No. CP77-33 an application pursuant to section 7(c) of the Natural Gas Act and § 157.7(b) of the Regulations thereunder (18 CFR 157.7(b)), for a certificate of public convenience and necessity authorizing the construction, for a twelve-month period commencing March 1, 1977, and operation of gas purchase facilities, all as more fully

set forth in the application which is on file with the Commission and open to public inspection.

The stated purpose of this budget-type application is to enable Applicant to act with reasonable dispatch in constructing facilities to connect with the facilities of an independent producer or other similar seller, authorized to make a sale for resale of natural gas in interstate commerce, with the system of Applicant or the system of another natural gas company authorized to transport natural gas for the account of or exchange natural gas with Applicant.

It is stated that the total estimated cost of the proposed facilities is \$6,000,000 and no single project would exceed \$1,500,000. It is further stated that the cost of the proposed facilities would be financed with funds generated from internal sources.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 26, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-33411 Filed 11-11-76;8:45 am]

[Docket No. CP77-34]

COLUMBIA GAS TRANSMISSION CORP.
Application

NOVEMBER 3, 1976.

Take notice that on October 26, 1976, Columbia Gas Transmission Corporation

[Docket No. CP77-31]

**COLUMBIA GULF TRANSMISSION CO.
AND TENNESSEE GAS PIPELINE CO. A
DIVISION OF TENNECO INC.**

Application

NOVEMBER 3, 1976.

Take notice that on October 26, 1976, Columbia Gulf Transmission Company and Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Applicants), P.O. Box 683, Houston, Texas 77001, and P.O. Box 2511, Houston, Texas 77001, respectively, filed an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas for Amoco Production Company (Amoco), all as more fully set forth in the application, which is on file with the Commission and open to public inspection.

Applicants propose to transport for Amoco up to fifty percent (50 percent) of the gas to be produced from the OCS-G-2559 wells No. A-1, A-2, A-3, A-4, A-5, and A-6, Block 617, West Cameron Area, Offshore Louisiana. The gas will be transported through facilities owned by Applicants, and/or with others in the West Cameron, East Cameron and Vermilion Areas, Offshore Louisiana. Applicants will redeliver gas with a thermal content equivalent to that received from Amoco, adjusted for plant shrinkage and fuel and a proportionate share of compressor fuel used and unaccounted for losses or gains in the facilities used for this service, to Amoco or for Amoco's account at a measuring station in Vermilion Parish, Louisiana.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 26, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a

protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

**KENNETH F. PLUMB,
Secretary.**

[FR Doc.76-33407 Filed 11-11-76;8:45 am]

[Docket No. RP72-157 (PGA77-1a);
(R&D77-1a)]

**CONSOLIDATED GAS SUPPLY CORP.
Proposed Changes in FPC Gas Tariff**

NOVEMBER 2, 1976.

Take notice that Consolidated Gas Supply Corporation (Consolidated) on October 26, 1976 tendered for filing proposed changes in its FPC Gas Tariff, Second Revised Volume No. 1 pursuant to its PGA clause and Order of the Federal Power Commission issued October 21, 1976, for rates proposed to be effective November 1, 1976.

Consolidated states that the filing was necessitated by an order issued by the Federal Power Commission on October 21, 1976 in Docket No. RM75-14 which deferred the effectiveness of tariff sheets filed under Opinion No. 770.

Consolidated has included in its filing increases in gas cost from pipeline suppliers and producer suppliers. In addition, Consolidated has included changes to reflect Unrecovered Purchased Gas Costs and Flow Through of Supplier Refunds and a Research and Development Cost Adjustment.

Consolidated is requesting a waiver of any of the Commission's Rules and Regulations, specifically Section 154.22, Notice requirements, in order to permit the proposed rates shown on Substitute Fifteenth Revised Sheet Nos. 8 and 9 to become effective November 1, 1976.

Copies of this filing were served upon Consolidated's jurisdictional customers, as well as interested State Commissions.

Any persons desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 24, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

**KENNETH F. PLUMB,
Secretary.**

[FR Doc.76-33390 Filed 11-11-76;8:45 am]

(Applicant), 1700 MacCorkle Avenue, S.E., Charleston, West Virginia 25314, filed in Docket No. CP77-34 an application pursuant to section 7(c) of the Natural Gas Act and § 157.7(c) of the Regulations thereunder (18 CFR 157.7(c)), for a certificate of public convenience and necessity authorizing the construction, for a twelve-month period commencing March 1, 1977, and operation of facilities to make miscellaneous rearrangements on its system, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The stated purpose of this budget-type application is to augment Applicant's ability to act with reasonable dispatch in making miscellaneous rearrangements which would not result in any material change in the transportation and sales service presently rendered by Applicant.

Applicant states that the total cost of the proposed facilities would not exceed \$300,000. Applicant further states that the cost of the proposed facilities would be financed with funds generated from internal sources.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 29, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

**KENNETH F. PLUMB,
Secretary.**

[FR Doc.76-33395 Filed 11-11-76;8:45 am]

[Docket No. RP76-91]

MONTANA-DAKOTA UTILITIES CO.**Certification of Questions for Commission Determination**

NOVEMBER 2, 1976.

Take notice that on October 22, 1976, Presiding Administrative Law Judge Thomas L. Howe, pursuant to his authority under § 1.27(b) (8) of the Commission's Rules of Practice and Procedure, certified to the Commission for determination in the above-captioned proceeding the following two questions:

(1) Whether curtailment by Montana-Dakota Utilities Company (MDU) during the 1976-1977 heating season, and subsequent seasons during which MDU has sufficient storage gas to serve its customers without curtailment, is an abandonment of service requiring authorization from the Commission pursuant to section 7 of the Natural Gas Act, in addition to the filing of tariff changes pursuant to section 4;

(2) What curtailment plan, if any, should be followed during the 1976-1977 heating season?

These questions are raised in the context of proceedings involving the establishment of a curtailment plan for MDU. Judge Howe recites that it will be almost impossible to complete the hearing and review process in time for the Commission to prescribe a curtailment plan for use during the 1976-1977 heating season; he suggests, however, that it would be in the public interest to have some form of curtailment plan in effect for that period, and advises that those certified questions are designed to assist in determining the nature of that plan or arrangement. Any person wishing to do so may file a response to the certified questions hereinabove set forth. All responses must be filed on or by November 26, 1976. The filing of such a response will not serve to make the respondent a party to these proceedings; any person wishing to become a party must file a petition to intervene pursuant to Section 1.8 of the Commission's Rules of Practice and Procedure.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-33392 Filed 11-11-76;8:45 am]

[Docket No. RP74-96]

NATURAL GAS PIPELINE CO. OF AMERICA**Order Denying Petition for Rehearing Regarding Pipeline Rates**

Issued November 5, 1976.

By order issued August 13, 1976, the Commission accepted for filing subject to refund revised tariff sheets filed by Natural Gas Pipeline Company of America (Natural) which reflect an \$18 million rate reduction in compliance with Opinion No. 762, issued May 21, 1976; tracking adjustments for advance payments and Stingray Pipeline Company's transportation charges; and, revisions to the purchased gas adjustment clause. Northern Illinois Gas Company (NIGas) filed a Protest to the Rate Filing and Motion to Require Natural to Pay Inter-

est on Refunds at 9 Percent on August 13, 1976. NIGas filed on September 13, 1976, a Petition for Rehearing of the Commission's order of August 13, 1976, in this docket. For the reasons stated herein, the Commission shall deny NIGas' Petition for Rehearing.

NIGas states six reasons why the August 13 order in this docket should be reversed or expunged: (1) by not addressing its protest of August 13, the Commission denied NIGas its right to be heard on this matter; (2) the order of August 13 sets forth no reasons or findings in support of allowing the tendered filing; (3) Order 513-A requires Natural to pay interest at 9 percent; (4) *American Public Gas Association v. F.P.C.*, No. 75-1104 (D.C. Cir. May 19, 1976) requires Natural to pay interest on refunds at 9 percent; (5) the settlement agreement must be deemed to have incorporated 9 percent interest rate by operation of law; (6) agreement of the parties to a 7 percent interest rate was a result of a mutual mistake and, therefore, the settlement agreement should be reformed.

With regard to the first reason, the Commission believes that NIGas has read the applicable law too strictly and too abstractly. The Commission has a statutory duty to expedite resolution of rate proceedings. The Commission reviews any pleadings as a matter of course to determine their effect on the decision rendered or to be rendered. Parties are protected further by the opportunity to file for rehearing of an order. Because both pleadings filed by NIGas are considered here, the question of denial of due process has been rendered moot. NIGas contends that a finding or reasons should have been set forth regarding what it calls "the Commission's decision to ignore the date for filing protests set forth in the Notice." As was discussed, the date for filing was not ignored, nor does the Commission find any necessity for making such a finding as suggested by NIGas. The purpose of the August 13 order was to determine whether the revised tariff sheets were in compliance with the findings made in Opinion No. 762, supra. Our review of the tendered filing indicated that, with the exception of advance payments, it did comply and, therefore, should be accepted. The question presented by Natural's tendered filing was compliance vel non, the answer to which is simple and does not require detailed explanation. Therefore, the finding made in the August 13 order is sufficient in light of the filing.

NIGas' August 13 protest and the other reasons listed by NIGas in its September 13 pleading relate to the proper interest on the refunds in this proceeding. The question of the proper refunds in the instant case is being considered in the rehearing of Opinion No. 762, supra. In that case, NIGas filed pleadings as to what it considered to be the proper resolution of these matters. Considering the serious and complicated nature of the proper interest question, the Commission believes that it should be addressed in

the rehearing deliberations mentioned above, rather than here in a compliance filing. The Commission's order of August 13, 1976, in this docket related solely to the revised tariff sheets filed by Natural. It did not decide the question of interest refunds. Accordingly, the Commission does not believe the August 13 order affects any rights of NIGas for the interest on refunds and that those rights are adequately protected in the consideration of rehearing of Opinion No. 762.

The Commission finds: Good cause exists to deny the Petition for Rehearing filed by NIGas.

The Commission orders:

(A) NIGas' Petition for Rehearing is hereby denied.

(B) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-33396 Filed 11-11-76;8:45 am]

[Docket No. CP77-29]

NATURAL GAS PIPELINE CO. OF AMERICA
Application

NOVEMBER 3, 1976.

Take notice that on October 26, 1976, Natural Gas Pipeline Company of America (Applicant), 122 South Michigan Avenue, Chicago, Illinois 60603, filed in Docket No. CP77-29 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of storage facilities to enable Applicant to withdraw up to 300,000 Mcf of gas per day and 46,750,000 Mcf for any twelve-month period from the North Lansing Storage Field, Harrison County, Texas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is stated that by Commission order of January 12, 1976, issued in Docket No. CP74-286, Applicant was authorized to construct and operate facilities for the underground storage of natural gas in the North Lansing Field subject to an inventory limit of 30,000,000 Mcf (exclusive of native gas).

Applicant proposes that the maximum inventory limitation for the field be increased from 40,700,000 Mcf to 85,000,000 (both inclusive of native gas estimated to be 10,700,000 Mcf). Applicant also proposes that it be permitted to withdraw from the North Lansing Field: (1) up to 300,000 Mcf per day; and (2) up to 46,750,000 Mcf in any twelve-month period. Applicant further proposes to construct and operate: (1) 6,000 BHP of compression; and (2) approximately 3.2 miles of 6-inch, 8-inch and 10-inch gathering pipelines, the connecting of nine existing wells for injection and withdrawal use and other miscellaneous facilities, at Applicant's North Lansing Field Storage in Harrison County, Texas. Applicant

also states that it would construct and operate downhole protection devices, de-hydration, wellhead measuring, and other miscellaneous facilities pursuant to § 2.55 (a) of the Commission's Statement of General Policy and Interpretations (18 CFR 2.55(a)).

The application indicates the total estimated cost of facilities to be \$4,340,000 which cost Applicant proposes to finance from funds on hand.

Applicant asserts that the proposed increase in peak day and annual withdrawal authorizations as well as the maximum inventory level would provide Applicant with additional flexibility to maximize the utilization of its field storage facilities in enhancing the reliability of existing service to its customers.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 29, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 76-33410 Filed 11-11-76; 8:45 am]

[Docket No. ER77-13]

PENNSYLVANIA ELECTRIC CO., ET AL.

Notice of Filing Amended and New
Schedules to Power Pooling Agreement

NOVEMBER 8, 1976.

Take notice that on October 8, 1976, as supplemented on October 21, 1976, the GPU Service Corporation tendered for

filing, on behalf of the above listed utilities, amended and new schedules to the existing agreement among them, dated July 21, 1969.

The GPU Service Corporation states that schedules (a) propose a revised method of allocating installed capacity obligations within the GPU System, (b) provide a method for allocating the investment responsibility assumed by Metropolitan Edison Company on behalf of itself, Penelec and Jersey Central for facilities associated with the Susquehanna-Eastern 500 kV Transmission System, (c) revise the compensation for transmission losses incurred in the Metropolitan Edison Company system for delivery of the output of Three Mile Island #1, and (d) establish definitions for certain contract terminology which makes it consistent with the Pennsylvania-New Jersey-Maryland Interconnection Agreement, to which GPU is a party, and which affect the allocation of certain revenues and expenses.

The above listed utilities request that the proposed schedules, except for Schedule 5.03, become effective on November 8, 1976. Schedule 5.03 provides for allocation among the three companies of the financial responsibility assumed by Met-Ed on behalf of itself, Penelec and JC under the Susquehanna-Eastern 500 kV Transmission System Agreement. The utilities propose that Schedule 5.03 become effective July 15, 1976.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with § 1.8 and § 1.10 of the Commission's Rules of Practice and Procedure. All such petitions or protests should be filed on or before November 19, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 76-33570 Filed 11-11-76; 8:45 am]

[Docket No. ER77-33]

PUGET SOUND POWER & LIGHT CO.

Data

NOVEMBER 3, 1976.

Take notice that Puget Sound Power & Light Company (Puget) tendered for filing supporting data in regard to service furnished under certain sections of Supplement No. 2 to Rate Schedule FPC No. 55 according to Puget.

Puget states that it includes an attachment showing for the period March 1976 through August 1976 rates and amounts of sales under Supplement No. 2.

Any person desiring to be heard or to protest said filing should file a petition

to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 19, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 76-33394 Filed 11-11-76; 8:45 am]

[Docket Nos. RP74-6 and RP72-74]

SOUTHERN NATURAL GAS CO.

Proposed Changes in FPC Gas Tariff

NOVEMBER 4, 1976.

Take notice that on October 20, 1976, Southern Natural Gas Company (Southern) filed with the Commission the following revised sheets to its FPC Gas Tariff, Sixth Revised Volume No. 1:

Third Revised Sheets Nos. 61, 62, 63, 64, 65, 67, 71, 72, 73, 74, 75, 77, 78, and 82.

Second Revised Sheets Nos. 69, 70, 80, and 81.

Southern states that the filing is made in compliance with the Commission's Opinion No. 747, Opinion and Order Prescribing Interim Curtailment Plan issued November 20, 1975, and Opinion No. 747-B, Opinion and Order Granting Rehearing in Part and Denying Rehearing in Part issued May 21, 1976, in Southern Natural Gas Company, Docket Nos. RP74-6 and RP72-74.

Southern states that the enclosed tariff sheets show changes in the Index of Requirements which are necessary to reflect the end of the one-year grace period for the firm boiler fuel requirements for the Town of Roxie, Mississippi; Chattanooga Gas Company; Hunt Oil Company and U.S. Steel Corporation. In addition, the enclosed tariff sheets also reflect for Alabama Gas Corporation and for Mississippi Valley Gas Company certain revised requirements to conform to the priority-of-service categories set out by the Commission in its Order No. 747-B, which priority-of-service categories reflect the elimination of the firm-intermittible distinction.

The proposed effective date of the enclosed tariff sheets is November 20, 1976.

Copies of the filing were served upon the company's jurisdictional customers, interested state commissions, and the parties of record in Docket Nos. RP74-6 and RP72-74.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Pro-

cedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 16, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-33402 Filed 11-11-76;8:45 am]

[Docket No. CP77-36]

STINGRAY PIPELINE CO.

Application

NOVEMBER 4, 1976.

Take notice that on October 27, 1976, Stingray Pipeline Company (Stingray), P.O. Box 1642, Houston, Texas 77001, filed in Docket No. CP77-36, an application pursuant to section 7(c) of the Natural Gas Act and the regulations thereunder for a certificate of public convenience and necessity authorizing the interconnection of the existing Stingray system with a proposed gathering line to be constructed by Sea Robin Pipeline Company (Sea Robin) in West Cameron Block 595, Offshore Louisiana, all as more fully described in the application which is on file with the Commission and open to public inspection.

The gas which Sea Robin will deliver to Stingray at the proposed interconnection, for the account of United Gas Pipe Line Company (United) and Natural Gas Pipeline Company of America (Natural), will be gas produced from West Cameron Block 586. Stingray will transport these volumes through its existing offshore system and deliver such gas to Natural at the existing onshore delivery point near Holly Beach, Louisiana, for further transportation by Natural pursuant to existing arrangements between Natural and United.

Stingray will transport for United or for United's account, gas which will be delivered to Stingray from the proposed interconnection as a part of United's transportation capacity in the Stingray system, pursuant to a transportation contract dated September 12, 1973, between Stingray and United, which is Rate Schedule T-2 of Stingray's FPC Gas Tariff, Original Volume No. 1.

Stingray requests approval of an amendment dated July 6, 1976 to such transportation contract with United, which amendment adds the interconnection in West Cameron Block 595 as an additional point of receipt from United. Said amendment also incorporates new points of receipt of gas from United in West Cameron Blocks 587 and 533 which had been approved earlier by the Commission.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 30, 1976, file with the Federal Power

Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Stingray to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-33398 Filed 11-11-76;8:45 am]

[Docket No. CP77-27]

TENNESSEE GAS PIPELINE CO., A DIVISION OF TENNECO INC.

Application

NOVEMBER 3, 1976

Take notice that on October 21, 1976, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Applicant), Tenneco Building, Houston, Texas 77002, filed in Docket No. CP77-27 an application pursuant to section 7 of the Natural Gas Act and § 157.7(b) of the Regulations thereunder (18 CFR 157.7(b)) for a certificate of public convenience and necessity authorizing the construction and operation of gas-purchase facilities during the calendar year 1977, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The stated purpose of this budget-type application is to enable Applicant to act with reasonable dispatch in constructing facilities to connect with the facilities of an independent producer or other similar seller, authorized to make a sale for resale of natural gas in interstate commerce, with the system of Applicant or the system of another natural gas company authorized to transport natural gas for the account of or exchange natural gas with Applicant.

It is stated that the total estimated cost of the proposed facilities is \$12,000,000 with no onshore project to exceed \$1,500,000 and no offshore project to exceed \$2,500,000. It is further stated that Applicant will initially finance the proposed facilities from general funds of the company and/or from borrowing under the company's revolving credit agreements.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 23, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-33409 Filed 11-11-76;8:45 am]

[Docket No. CP77-22]

TEXAS EASTERN TRANSMISSION CORP.

Application

NOVEMBER 3, 1976.

Take notice that on October 20, 1976, Texas Eastern Transmission Corporation (Applicant), P.O. Box 2521, Houston, Texas 77001, filed an application pursuant to section 7(c) of the Natural Gas Act and section 2.79 of the Commission's General Policy and Interpretations (18 CFR 2.79), for a certificate of public convenience and necessity authorizing the transportation of natural gas on behalf of Owens-Corning Fiberglas Corporation (Owens-Corning), all as more fully set forth in the application which is on file

with the Commission and open to public inspection.

Applicant proposes to transport for Owens-Corning up to 300 Mcf daily of natural gas for a period extending through October 31, 1978, for use at Owens-Corning's Huntingdon, Pennsylvania, plant. It is stated that the transportation service is required by Owens-Corning to offset curtailments from its supplier, Penn Fuel Gas, Inc., a resale customer of Applicant.

It is stated that the gas to be transported is to be diverted from gas volumes sold to Owens-Corning by Kilroy Properties Incorporated and Dawson Exploration, Inc. (Kilroy-Dawson) and authorized in Docket No. CP76-403 to be transported by Texas Gas Transmission Corporation (Texas Gas) to Owens-Corning's Jackson, Tennessee, plant. It is further stated that the gas would be delivered by Texas Gas to Applicant at an existing point of interconnection near Middletown, Ohio.

It is stated that the gas to be transported by Applicant is committed to Owens-Corning pursuant to an agreement dated May 1, 1976, with Kilroy-Dawson, whereby Owens-Corning purchases approximately 2,000 Mcf daily from leasehold interests presently owned by Kilroy-Dawson in Jefferson Davis Parish, Louisiana. The agreement between Owens-Corning and Kilroy-Dawson provides for a price of \$1.35 per Mcf for the first year, with an increase of \$1.05 for each twelve-month period thereafter it is said.

It is stated that Applicant would deliver up to 300 Mcf daily to Penn Fuel Gas, Inc. at an existing point of delivery in Huntingdon County, Pennsylvania, for redelivery to Owens-Corning. The transportation charge to Owens-Corning would be 22.5¢ per Mcf it is said.

It is asserted that Applicant has sufficient capacity to deliver the gas and that there would be no impact on Applicant's ability to provide system-wide deliveries for Priority 1 requirements. It is further asserted that the subject natural gas was previously not available to Applicant.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 24, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections

7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be necessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 76-33389 Filed 11-11-76; 8:45 am]

[Docket No. CP77-28]

TEXAS EASTERN TRANSMISSION CORP.

Application

NOVEMBER 4, 1976.

Take notice that on October 26, 1976, Texas Eastern Transmission Corporation (Applicant), P.O. Box 2521, Houston, Texas 77001, filed in Docket No. CP77-28 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Applicant to receive natural gas by displacement from Algonquin Gas Transmission Company (Algonquin Gas) and to transport and deliver by displacement an equivalent quantity of gas to Transcontinental Gas Pipe Line Corporation (Transco) for the account of Delmarva Power & Light Company (Delmarva), all more fully set forth in the application on file with the Commission and open to public inspection.

The application states that Delmarva has entered into an arrangement with Algonquin LNG, Inc. (Algonquin LNG), a subsidiary of Algonquin Gas, under which Algonquin LNG is storing in liquid form (LNG) the equivalent of approximately 300,000 Mcf of vaporous natural gas in the facility of Algonquin LNG in Providence, Rhode Island, for use during the 1976-77 winter to supplement Delmarva's supply in its Wilmington, Delaware, service area. It is stated further that Delmarva has requested the assistance of Algonquin Gas, Transco, and Applicant in having equivalent quantities of gas delivered to it at the rate of approximately 10,000 Mcf per day commencing on or about November 15, 1976, and continuing until June 1, 1977.

Applicant states that Algonquin Gas would receive from Algonquin LNG by displacement and would transport to Applicant by displacement natural gas equal to quantities of LNG gasified and delivered by Algonquin LNG for the account of Delmarva from Algonquin LNG's facility. Applicant would receive the gas from Algonquin Gas by displacement at Applicant's existing delivery

point to Algonquin Gas near Hanover, New Jersey, unless Applicant and Algonquin Gas mutually agree that such deliveries may be made at another mutually agreeable delivery point. Applicant would deliver the gas by displacement to Transco at mutually agreeable existing exchange points in the New Jersey-Pennsylvania area, and Transco would transport and deliver the gas to Delmarva at existing points of delivery.

It is stated in the application that the transportation and delivery of natural gas would be interruptible and on a best-efforts basis. The delivery by Algonquin Gas to Applicant and by Applicant to Transco would be on a thermally equivalent basis to that delivered by Algonquin LNG on any given day, but deliveries by Transco to Delmarva would be equivalent to the volume of gas delivered by Applicant to Transco on any given day. Applicant would not be obligated to deliver in excess of 10 billion Btu equivalent of gas per day. The agreement among the parties to the subject arrangement provides that on any day when deliveries are being made to Delmarva the quantities of gas sold by Applicant to Algonquin Gas under Applicant's sales rate schedules shall include the quantities of gas scheduled to be delivered to Delmarva on that day.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 29, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be

unnecessary for Applicant to appear or be represented at the hearings.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 76-33404 Filed 11-11-76; 8:45 am]

[Docket No. RP76-17]

TEXAS GAS TRANSMISSION CORP.

Order Adopting Settlement Agreement Regarding Advance Payments

Issued November 4, 1976.

On September 30, 1975, Texas Gas Transmission Corporation (Texas Gas) tendered for filing revised tariff sheets to its FPC Gas Tariff. By order of October 31, 1975, the proposed increase in rates was suspended until April 1, 1976 when it was permitted to go into effect subject to refund.

Pursuant to a notice issued on June 7, 1976, a conference was held in this proceeding. As a result of this conference the parties were able to arrive at a proposed settlement agreement. On July 23, 1976, Texas Gas filed a Motion for Approval of Settlement Agreement and a Proposed Stipulation and Agreement. Notice of this proposed settlement was issued on August 2, 1976 with comments due on or before September 3, 1976.

The proposed settlement agreement leaves two cost-of-service issues unresolved. One of these issues is a proposed increase in the composite depreciation rate applicable to all of Texas Gas' depreciable gas plants. The other issue relates to the inclusion in cost-of-service of amounts associated with the acquisition and retention by Texas Gas of coal reserves to be used for gasification purposes. These two cost-of-service issues are currently being litigated in Docket No. RP74-25, and the parties have agreed that the final and non-appealable decisions in that proceeding will govern the resolution of these issues in the instant proceeding.

Matters, other than cost-of-service, which have not been agreed upon by the participants in this proceeding are: cost classification, cost allocation, rate design and location of boundaries between the rate zones. These matters are currently being litigated in Texas Gas' rate proceeding in Docket No. RP75-19. The parties have agreed that the decision of the Commission in that proceeding will govern the instant proceeding.

Texas Gas' original rate filing contained an overall rate of return of 10.69 percent. The application requested a return on common equity of 14.46 percent. Under the proposed settlement agreement Texas Gas would achieve an overall rate of return of 10.07 percent with a return on common equity of 13 percent. This return is based on a rate base of 377,768,011 effective August 1, 1976. A copy of the settlement cost-of-service is attached to this order as Appendix A. No party objects to the proposed cost-of-service and settlement rates as promulgated by this settlement agreement. Our review of the proposed cost-of-service

and proposed rates contained in this settlement agreement indicates that they are just and reasonable and should be approved.

The Commission Staff filed the only comments which did not fully support the settlement agreement. Comments of the Staff raise limited questions concerning the interpretation of Section 7 of Article V of the settlement. These questions relate to the obligation of Texas Gas to make refunds to its customers should a producer exercise an option to retain for its own use a portion of the gas discovered on acreage developed under Texas Gas' advance payment agreement. Staff contends that the language in the settlement agreement does not fully comply with the provisions of Account 166(e) of the Uniform System of Accounts. Article V, section 7 states:

Should a producer exercise his option, if any, to retain for its own use a portion of the daily volumes of gas available from the gas reserves developed within the acreage described in an advance payment agreement under circumstances where advance payments relating to such agreement have been included in Texas Gas' rate base, then Texas Gas will reduce its rates to reflect the elimination of the appropriate portion of such advance payments from its cost of service. Any revenues collected as a result of the eliminated advance payments shall be refunded by Texas Gas to its customers, together with interest, unless otherwise directed by the Commission, all in accordance with the provisions of Order No. 529 issued June 17, 1975 in Docket No. RM75-6.

Staff contends that the language in the agreement is unclear as to whether Texas Gas is obligated to refund those amounts returned to it by the producer or to refund the carrying charges related to the inclusion of the pro rata amount of advance payments in rate base. Staff points out that Order No. 529¹ indicates that any revenues collected as a result of the advance payments being included in rate base should be refunded. Staff contends that the language in Section 7 leaves open the question of what revenues that are to be refunded. Staff contends that because Texas Gas has a separate refund provision between itself and the producers, the proposed language could be read to mean that Texas Gas has to flow-through any revenue received from the producers, rather than to refund all carrying charges as required by Order No. 529.

Staff feels that as section 7 now reads, Texas Gas could at a future time seek to avoid any possible refund liability. Staff contends that Commission policy indicates that refunds must be made when no gas flows to the consumer. Staff believes that the settlement agreement should be worded and interpreted, to avoid the possibility of future litigation to determine Texas Gas' refund obligation.

¹ Accounting and Rate Treatment of Advances Included in Account 166, Advances for Gas Exploration, Development and Production, Order No. 529, June 17, 1975.

While supporting the settlement agreement Staff requests that the Commission reject the present section 7 language relating to refunds and replace it with the language contained in Order No. 529. Alternatively, Staff requested that the Commission state in the settlement order, that the only proper interpretation of this section is that Texas Gas will be required to refund all carrying charges plus interest, for pro rata amounts of advances included in rate base relating to the actual reservation of gas by a producer.

Texas Gas filed a response to the Staff's comments. Texas Gas states that it agrees with Commission Staff on the Staff's first point. Its reply states, "Should a producer exercise his option to retain a portion of the gas, the phrase 'revenues collected as a result of the eliminated advance payments', as used in section 7, refers to carrying charges collected while the pro rata amount of advances was included in rate base." Texas Gas points out that this phrase has nothing to do with amounts which may be returned by the producer to Texas Gas.

Texas Gas disagrees with Staff's interpretation of Order No. 529. The pertinent portion of Order No. 529 and Account 166 states:

When an advance which is or has been included in this account and in rate base results in a source of proven reserves of natural gas, gas deliveries commence but no gas flows to the pipeline company making such advance, the amount of the advance shall be removed from this account (and from rate base) and recorded in account 167, Other Advances for Gas. Any revenues collected as a result of the advance being included in rate base shall be refunded by the pipeline company to its customers, together with interest, per annum, at the rate established by Order No. 513, issued October 10, 1974, or as subsequently revised by Commission Order, from the date of payment until refunded, within 12 months after the removal of the advance from this account, unless otherwise directed by the Commission. Where there is partial recovery of the advance by gas, in this situation, the amount of the advance transferred from this account to account 167 and the amount of revenues refunded, with interest, shall be appropriately apportioned.

Texas Gas contends that the phrase "unless otherwise directed" refers to the entire refund question including the carrying charges. Texas Gas admits that in drafting section 7 of the agreement it intended to leave open for future determination the question of Texas Gas' obligation to pay interest on the revenues. Texas Gas states that it should not be foreclosed in presenting equitable arguments on the question of the payment of interest. Texas Gas recommends that the settlement be adopted as presently worded so that Texas Gas will retain its opportunity to present the equities of the situation to the Commission should the occasion arise.

In Order No. 529 the Commission stated:

We believe it equitable that pipeline customers receive interest on amounts paid pipelines during the period of time that the

advances are treated as rate base items to compensate them for the time value of their monies held by the pipelines.²

The Commission included the interest provision despite the objections of many pipelines and after careful consideration of the issue. In an earlier proceeding, the Commission ruled that a pipeline would have to reduce its rate and make appropriate refunds with interest, to its customers to reflect a proportionate share of gas reserves kept by a producer for its own use.³

Should an interpretation of section 7 of Article V of the settlement agreement become necessary, we will interpret it in accord with the provisions of Order No. 529. Order No. 529 clearly states that refunds with interest will be required where the pipeline customers do not receive the benefit of any gas reserve discovered through the use of the pipelines' advance payments.

The Commission finds: The proposed Stipulation and Agreement, Docket No. RP76-17 is in the public interest and should be approved.

The Commission orders: Consistent with the discussion contained herein, the Stipulation and Agreement in Docket No. RP76-17 is accepted.

By the Commission.

KENNETH F. PLUMB,
Secretary.

APPENDIX

TEXAS GAS TRANSMISSION CORPORATION

Settlement cost of service for rates to be effective April 1, 1976—Docket No. RP76-17

	Amount
Operation and maintenance expenses:	
Natural gas production expenses:	
Production and gathering	\$189,494
Products extraction	338,226
Exploration and development	77,738
Other gas supply expenses	227,808,061
Total natural gas production expenses	228,413,517
Underground storage expenses	3,251,587
Transmission expenses	34,496,069
Customer accounts expenses	148,081
Sales expenses	382,207
Administrative and general expenses	14,787,458
Total operation and maintenance expenses	281,478,919
Depreciation, depletion and amortization expense	33,201,697
Federal income taxes	20,740,217
State income taxes	2,076,096
Other taxes:	
Property	5,266,172
Payroll	955,710
Miscellaneous	855,087

²Id. at 6-7.

³Columbia Gas Transmission Corporation, Docket Nos. RP71-18, et al., Opinion No. 722, March 7, 1975, Mimeo at 9.

Return @ 10.07% ¹	Amount
Revenues credited to cost of service	37,103,012
	(2,659,479)
Total cost of service	379,017,431

¹Rate base, \$368,450,964.

[FR Doc.76-33397 Filed 11-11-76;8:45 am]

[Docket No. CP69-199]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Petition To Amend

NOVEMBER 4, 1976.

Take notice that on October 28, 1976, Transcontinental Gas Pipe Line Corporation (Petitioner), P.O. Box 1396, Houston, Texas 77001, filed in Docket No. CP69-199, pursuant to section 7(c) of the Natural Gas Act, a petition to amend the Commission's order issued in the instant docket on June 21, 1971, as amended, so as to authorize Petitioner to transport for and deliver to Southern Natural Gas Company (Southern) up to 10,000 Mcf of gas per day for a period extending to July 1, 1986, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner states that it is presently authorized to transport for and deliver to Southern up to 5,000 Mcf of gas per day, produced in the Bayou Henry Field, Iberville Parish, Louisiana, for a period not later than January 29, 1983. It is further stated that following purchase by Southern, the gas is transported through Southern's Bayou Boullion-East Happytown line and delivered to Gas Gathering Corporation (Gas Gathering), which in turn transports the gas for delivery to Petitioner at Petitioner's Courtney-Happytown Meter Station in Pointe Coupee Parish, Louisiana. From that point Petitioner transports the gas for the account of Southern for delivery at existing points of interconnection between the systems of Southern and Petitioner located near Selma, Alabama, and Jonesboro, Georgia, it is said.

Petitioner, pursuant to a transportation agreement with Southern dated October 11, 1976, now proposes to transport the additional volumes Southern would purchase in the general Bayou Henry-Boullion Fields area and which are accessible to Southern's Bayou Boullion-East Happytown line and/or the facilities of Gas Gathering. Petitioner proposes to transport for and deliver to Southern up to 10,000 Mcf per day for a period extending to July 1, 1986.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before November 30, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with

the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-33399 Filed 11-11-76;8:45 am]

[Docket No. CP77-24]

UNITED GAS PIPE LINE CO. AND ARKANSAS LOUISIANA GAS CO.

Application

NOVEMBER 2, 1976.

Take notice that on October 20, 1976, United Gas Pipe Line Company (United), P.O. Box 1478, Houston, Texas 77001, and Arkansas Louisiana Gas Company (Arkla), P.O. Box 1734, Shreveport, Louisiana 71151, filed in Docket No. CP77-24 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the exchange of natural gas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is stated that United presently sells gas to Louisiana Gas Service Company at a number of rural service taps from a number of points on the lines of its Monroe Field gathering system. It is further stated that field production rates and pressure on the gathering system have declined to such an extent that a safe dependable supply of gas to these points cannot be maintained, necessitating a change in the source of supply. It is asserted that Arkla's 16-inch Munce to Eldorado pipeline in the vicinity is the nearest possible source of such a supply.

United proposes to take delivery on an exchange basis of up to 250 Mcf at three points in Union Parish, Louisiana. Such gas would be redelivered to Arkla by United at the Bistineau Storage Field in Bienville Parish, Louisiana, where United operates a storage facility and also injects gas to be held for the account of Arkla it is said.

It is stated that in order for United to take delivery of gas from Arkla at said points and to deliver such gas to Louisiana Gas Service Company, the distributor in the area, it would be necessary to construct at an estimated cost of \$244,200 the following facilities:

1. Approximately 2.93 miles of 1-inch pipeline and approximately .96 mile of 3/4-inch pipeline together with metering and regulating facilities in Section 28, Township 21 North, Range 3 East, Union Parish, Louisiana. Approximately .55 mile of existing 4-inch field line will be utilized.

2. Approximately 5.64 miles of 3/4-inch pipeline together with metering and regulating facilities in Section 11, Township 20 North, Range 3 East, Union Parish, Louisiana.

3. Approximately .16 mile of 2-inch pipeline, 1.68 miles of 1-inch pipeline and 3.41 miles of ¾-inch pipeline together with metering and regulating facilities in Section 25, Township 20 North, Range 3 East, Union Parish, Louisiana. Approximately 1.28 miles of existing 8-inch field lines will be utilized.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 26, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 76-33393 Filed 11-11-76; 8:45 am]

[Docket No. RP73-94; (PGA76-3)]

VALLEY GAS TRANSMISSION, INC.

Order Denying Application for Rehearing, Directing Payment, and Permitting Interventions Regarding Pipeline Rates

Issued November 5, 1976.

On August 10, 1976, National Fuel Gas Supply Corporation (NFG) filed a pleading which contained, *inter alia*, an application for rehearing of any Commission order accepting for filing without suspension Valley Gas Transmission's PGA filing in the above-captioned docket. For the reasons stated below the application for rehearing shall be denied.

On July 9, 1976, Valley Gas Transmission, Inc. (Valley) tendered for filing a proposed PGA rate increase pursuant to its tariff PGA clause. This filing was made pursuant to the Commission's

letter order dated June 30, 1976, which rejected without prejudice to its resubmission, Valley's PGA filing of May 14, 1976 (PGA76-2) on the grounds that it failed to comply with the condition contained in ordering paragraph A of the Commission's order issued December 31, 1975 in Docket No. RP73-94 (PGA76-1), which states:

(A) In Valley's next semi-annual PGA filing, Valley shall adjust its Deferred Purchased Gas Cost Account, and shall reflect such adjustment in its revised PGA rate surcharge to reflect the rate effect of the settlement allocation of the Petronilla and Luby Fields issue in Docket Nos. G-19618, et al., for all periods prior to January 1, 1976, which are covered by the surcharge rate in Docket No. RP73-94 (PGA76-1) as well as the past periods covered by Docket Nos. RP73-94 (PGA74-2) (PGA75-1) and (PGA75-2). Valley's calculations shall be shown in detail along with detailed workpapers and other information necessary to explain and support the adjustments.

Valley stated in its July 9, 1976 filing (PGA76-3), which resubmitted the tariff sheet previously rejected in Docket No. PGA76-2, that no further adjustment to its PGA rate surcharge was required because Valley's PGA clause and several subsequent filings made pursuant thereto have already given complete recognition to the settlement referred to in the ordering paragraph, thereby eliminating the need for any additional adjustments. Additional data pertaining to Valley's filing was requested by the Commission Staff and received from Valley on July 20, 1976.

Valley incorrectly made its PGA76-3 filing under the docket number of its last rate case, RP76-41, rather than under its PGA clause docket, RP73-94. Public notice of the filing was issued under the incorrect RP76-41 docket number on July 20, 1976, with a comment deadline of August 5, 1976, and under the correct docket number, RP73-94, on July 27, 1976, with a comment deadline of August 6, 1976.

On August 5, 1976, the Commission issued a letter order accepting for filing the revised tariff sheet and making it effective as of July 1, 1976, as requested. On August 6, 1976, NFG timely filed (under the July 27, 1976 notice) a petition to intervene. On August 10, 1976, NFG filed a motion for summary disposition or alternative relief including, in the event that the Commission had by order accepted Valley's filing and permitted it to become effective without suspension prior to receipt of NFG's motion, a request to treat the motion as an application for rehearing of such Commission order. Since the Commission had issued its order accepting Valley's filing on August 5, 1976, we shall treat NFG's motion as an application for rehearing, as requested. On August 25, 1976, Valley answered in opposition to NFG's motion of August 10.

By letter dated September 3, 1976, Valley requested clarification of the Commission's August 5, 1976, order in this docket regarding the effective date of Valley's PGA rate increase PGA 76-3.

Valley stated that NFG has refused to pay its bill for the period from July 1, 1976, to August 23, 1976 because of a claim of improper notice. NFG responded by letter dated September 13, 1976. NFG contends in essence that Valley's PGA clause requires that Valley file each PGA adjustment at least 45 days prior to the proposed effective date and that, therefore, the Commission could not make Valley's July 9, 1976, filing effective as of July 1, 1976, but could only have made it effective as of August 23, 1976, 45 days after filing, at the earliest. Valley renewed its request for clarification by letter filed October 6, 1976.

Valley in its filing of July 9, 1976, resubmitted the same PGA rate tariff it had previously filed on May 14, 1976. NFG had actual notice of Valley's filing as of May 14, 1976. This represents more than the 30 days' notice required under the Commission's regulations or the 45 days' notice specified in Valley's tariff. NFG's objections to Valley's PGA filing based on improper notice are therefore rejected.

NFG further argues that Valley's PGA filing does not comply with the requirements of the Commission's order issued on December 31, 1975, in Docket No. RP73-94 (PGA76-1). The pertinent provision of the order appears on pages 1 and 2, *supra*. According to NFG, Valley has not complied with the terms of the settlement agreement approved by the Commission on December 2, 1975, in Docket No. G-19618, et al. NFG alleges that Valley has wrongly allocated certain volumes of natural gas produced from the Luby and Petronilla fields located in Nueces County, Texas, to Tennessee Gas Pipeline Company whereas under the settlement in G-19618, et al., all Luby and Petronilla reserves are dedicated to NFG.

The Commission finds that Valley's PGA76-3 rate filing of July 9, 1976, properly complies with the Order of December 31, 1975, insofar as it gives effect to the settlement allocation of the Luby and Petronilla reserves issue in Docket Nos. G-19613, et al., "for all periods prior to January 1, 1976, which are covered by the surcharge rate in Docket No. RP73-94 (PGA76-1) as well as the past periods covered by Docket Nos. RP73-94 (PGA74-2) (PGA75-1) and (PGA75-2)." NFG's allegations of improper reserves allocation concern deliveries made by Valley to Tennessee prior to the effective date on the earliest docket (PGA74-2) specified in the order of December 31, 1975.

The pleadings before the Commission herein do not permit a resolution of the Luby-Petronilla gas reserves issues. The Commission hereby states its intention to take under advisement NFG's allegations concerning Valley's disposition of Luby-Petronilla reserves. Hearings or other procedures which may be necessary to resolve this dispute shall be prescribed by separate order.

Based on the foregoing, the Commission reaffirms the letter order issued herein on August 5, 1976, accepting Valley's PGA rate effective July 1, 1976.

NFG's application for rehearing of the August 5 order shall be denied, and NFG shall be required to pay Valley for gas received from and after July 1, 1976, in accordance with Valley's PGA76-3 rate.

On August 24, 1976, Tennessee Gas Pipeline Company filed a motion to clarify its status in the instant docket as a result of interventions in the prior, related dockets or, alternatively, a petition for leave to intervene out of time. The Commission shall treat the pleading as a petition to intervene, and finds that good cause exists to grant intervention to Tennessee and to NFG.

The Commission orders: (A) NFG's application for rehearing of the Commission's August 5, 1976 letter order in this docket is denied.

(B) NFG is hereby ordered to pay, within 10 days of the date of this order, all amounts due under Valley's PGA76-3 rate.

(C) The above-named petitioners are permitted to intervene in this proceeding subject to the rules and regulations of the Commission: *Provided, however*, That the participation of such intervenors shall be limited to matters affecting asserted rights and interests as specifically set forth in the petitions to intervene; and *Provided, further*, That the admission of such intervenors shall not be construed as recognition by the Commission that it might be aggrieved because of any order of the Commission entered in this proceeding; and *Provided, further*, That said participation by such intervenors shall be conditioned upon acceptance of the record in this proceeding as it now stands.

(D) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 76-33403 Filed 11-11-76; 8:45]

FEDERAL RESERVE SYSTEM

[H. 2, 1976 No. 43]

ACTIONS OF THE BOARD

Applications and Reports; Week Ending October 23, 1976

Regulation Y, the Board deferred action on a proposal to make underwriting and dealing in Federal Government securities and general obligations of States or their subdivisions (municipal securities) a permissible activity for bank holding companies (Docket No. R-0001).

Regulation Z, variable interest rate, the Board proposed to amend Regulation Z—Truth in Lending—to require disclosure to the customer, in advance of signing a loan agreement, of any variable rate clause in the contract and a number of related matters; the Board asked for comment through November 29, 1976 (Docket No. R-0003).

Issuance of subordinated capital notes by United States Trust Company of New York, New York, New York.

Commercial Bankshares Corp., Adrian, Michigan, extension of time to February 1, 1977, within which to acquire the successor by consolidation to The Commercial Savings Bank, Adrian, Michigan.¹

Deregistration statement for Baptist Foundation of Texas, Dallas, Texas; for Great National Life Insurance Company, Dallas, Texas, and for Kraft Employees Credit Union, Garland, Texas.¹

Termination of registration for Westark Production Credit Association, Fayetteville, Arkansas.¹

Subsidiaries of Landmark Banking Corporation of Florida, Fort Lauderdale, Florida, proposed merger with Landmark Union Trust Bank of St. Petersburg, National Association, St. Petersburg, Florida; report to the Comptroller of the Currency on competitive factors.¹

Annapolis Banking and Trust Company, Annapolis, Maryland, extension of time to November 21, 1977, within which to establish a branch on Riva Road near its intersection with Admiral Corcoran Drive, Annapolis, Maryland.¹

Farmers and Merchants Bank of Central California, Lodi, California, extension of time to November 6, 1977, within which to establish a branch in the vicinity of Lower Sacramento Road and Sargent Road, Lodi, California.¹

NOTE.—The H. 2 release is now published in the FEDERAL REGISTER. It will continue to be sent, upon request, to anyone desiring a copy.

To Establish a Domestic Branch Pursuant to Section 9 of the Federal Reserve Act.

APPROVED

The Union Bank and Savings Company, Bellevue, Ohio. Branch to be established at 855 Kilbourne Street, Bellevue, Sandusky County.²

International Investments and Other Actions Pursuant to sections 25 and 25 (a) of the Federal Reserve Act and sections 4(c) (9) and 4(c) (13) of the Bank Holding Company Act of 1956, as amended.

APPROVED

Bank of America: investment—additional in Financiera Finam de Chile S.A., Santiago, Chile.

Citibank N.A.: investment—additional in Dao Heng Finance Limited, Hong Kong, a wholly-owned subsidiary of Grindlays Bank Limited.

Citibank Overseas Investment Corporation: investment—additional in Citicorp Credit Multiple (Credim, Dijon, France).

Manufacturers-Detroit International Corporation: investment—additional in the Metropolitan Trust Company, Toronto, Canada.

Walter E. Heller International Corporation: investment—additional in Walter E. Heller Factoring Portuguesa, S.A.R.L., Portugal.

¹ Application processed on behalf of the Board of Governors under delegated authority.

² Application processed on behalf of the Board of Governors under delegated authority.

³ Application processed by the Reserve Bank on behalf of the Board of Governors under delegated authority.

Walter E. Heller International Corporation: investment—additional in Heller Factoring Singapore Limited, Singapore.

Bamerical International Financial Corporation: removal of the standard subsidiary conditions re: Metro American C.A., Caracas, Venezuela.

To Establish an Overseas Branch of a Member Bank Pursuant to Section 25 of the Federal Reserve Act.

APPROVED

Manufacturers Hanover Trust Company: branch—Hong Kong.

Bankers Trust Company: branch—Panama City, Republic of Panama.

To Form a Bank Holding Company Pursuant to section 3(a) (1) of the Bank Holding Company Act of 1956.

APPROVED

Stepp, Inc., Mission Hills, Kansas, for approval to acquire 65 percent of the voting shares of Quindaro Bancshares, Inc., Kansas City, Kansas and indirectly acquire Arrowhead State Bank of Kansas City, Kansas City, Kansas.

Utica Agency, Inc., Utica, Kansas, for approval to acquire 80 percent or more of the voting shares of The Citizens State Bank of Utica, Utica, Kansas.

DENIED

Union Holding Company, Halliday, North Dakota, for approval to acquire 80 percent of the voting shares of The Union Bank, Halliday, North Dakota.

To Expand a Bank Holding Company Pursuant to section 3(a) (3) of the Bank Holding Company Act of 1956.

APPROVED

Colonial Bancorp, Inc., Waterbury, Connecticut, for approval to acquire 100 percent merger to Constitution Bank and Trust Company, Hartford, Connecticut.

Colonial Bancorp, Inc., Waterbury, Connecticut, for approval to acquire 100 per cent of the voting shares of The Plainville Trust Company, Plainville, Connecticut.

LITCO Corporation of New York, Garden City, New York, for approval to acquire 100 per cent of the voting shares of Long Island Bank, Hicksville, New York, the successor by conversion of Long Island National Bank, Hicksville, New York.

First Michigan Bank Corporation, Zeeland, Michigan, for approval to acquire 100 per cent of the voting shares of the successor by consolidation to Community State Bank of Dowagiac, Dowagiac, Michigan.³

Shaw Investment Company, New Hampton, Iowa, for approval to acquire an additional 33.33 per cent of the voting shares of First National Bank in New Hampton, New Hampton, Iowa.

To Retain Bank Shares Acquired in a Fiduciary Capacity Pursuant to section 3 of the Bank Holding Company Act of 1956.

³ Application processed by the Reserve Bank on behalf of the Board of Governors under delegated authority.

APPROVED

First United Bancorporation, Inc. and The First National Bank of Fort Worth, both in Fort Worth, Texas, for approval to retain 357 shares of University Bank, Fort Worth, Texas.²

To Expand a Bank Holding Company Pursuant to section 4(c) (8) of the Bank Holding Company Act of 1956.

DELAYED

Liberty National Corporation, Oklahoma City, Oklahoma, notification of intent to engage in de novo activities (originating, selling, and servicing real estate mortgage loans on residential and commercial properties) at 1707 Cache Road, Lawton, Oklahoma, through a wholly-owned indirect subsidiary, Liberty Mortgage Company (10/19/76).²

Liberty National Corporation, Oklahoma City, Oklahoma, notification of intent to engage in de novo activities (originating real estate mortgage loans on residential and commercial properties) at 3801 NW 63rd Street, Oklahoma City, Oklahoma, through a wholly-owned indirect subsidiary, Liberty Company (10/19/76).²

REACTIVATED

Old National Bancorporation, Spokane, Washington, notification of intent to engage in de novo activities (serving as an escrow or closing agent in connection with the closing of real estate loans financed by credit extending subsidiaries of Old National Bank in Spokane; at present the credit extending subsidiaries are Old National Bank of Washington; The First National Bank in Spokane; and Bancshares Mortgage Company, all of which have their principal places of business in Spokane, Washington) in the Sherwood Building, 510 Riverside and East 10812 Sprague, Spokane, Washington and 3400 West Clearwater, Kennewick, Washington, through its indirect subsidiary, Cascade Escrow Company (10/19/76).²

PERMITTED

Citicorp, New York, New York, notification of intent to engage in de novo activities (consumer personal lending, preauthorized consumer revolving credit; and acting as broker for the sale of consumer credit related life/accident and health insurance and consumer credit related property and casualty insurance; if these proposals are effected, the subsidiary will offer to sell insurance as follows: credit life/accident and health or individual decreasing or level (in the case of single payment loans) life insurance to cover the outstanding balance of consumer credit transactions, singly or jointly, with their spouses or cosigners in the case of life coverage in the event of death, or, to make the contractual monthly payments on the consumer credit transactions in the event of the obligator's disability to the extent permissible under applicable State insurance laws and regulations; and individual casualty insurance on personal property subject to security agreements and to include liability coverage in home or automobile owner "package" policies where such is the general practice; further, in regard to the sale of credit related insurance, the subsidiary will not act as a general insurance agency) at Chapman Plaza Building, 28 East 21st

South, Salt Lake City, Utah, through its subsidiary, Nationwide Financial Services Corporation and its subsidiary, Citicorp Person-to-Person Financial Center 10/17/76).²

Philadelphia National Corporation, Philadelphia, Pennsylvania, notification of intent to relocate de novo activities (making installment loans for personal, family, or household purposes; purchasing sales finance contracts executed in connection with the sale of personal, family, or household goods or services in connection with certain personal installment loans made and sales finance contracts purchases; selling casualty insurance, credit life insurance, credit accident and health insurance, and reinsuring such credit life insurance and credit accident and health insurance through Patrick Henry Insurance Company and Patrick Henry Life Insurance Company, indirect subsidiaries of Philadelphia National Corporation; advertising, offering, and preparing motor vehicle leases and generally acting as agent for a lessor of motor vehicles and generally engaging in the business of a consumer finance company) from 941 Fifth Avenue, Coraopolis, Pennsylvania to 1020 Beers School Road, Coraopolis, Pennsylvania, through its indirect subsidiary, Signal Consumer Discount Company (10/21/76).²

Maryland National Corporation, Baltimore, Maryland, notification of intent to engage in de novo activities (engaging generally in the business of a mortgage broker and mortgage servicing firm; originating loans as agent for the borrower or the lender; servicing loans for affiliated or nonaffiliated individuals, partnerships, corporations, real estate investment trusts, or others; and engaging in the sale, as agent or broker, of credit life, credit disability, mortgage redemption, and mortgage cancellation insurance in connection with mortgage transactions originated or serviced as above) at 10 Light Street, Baltimore, Maryland and 325 John Knox Road, Tallahassee, Florida, through its subsidiary, Maryland National Advisers, Inc. (10/22/76).²

First Tennessee National Corporation, Memphis, Tennessee, notification of intent to engage in de novo activities (making or acquiring, for its own account, interest bearing and discount loans and other extensions of credit; and offering through the direct insurer or the reinsurer insurance that is directly related to an extension of credit by the company or its subsidiaries; the kinds of insurance offered will be reducing individual credit life or reducing joint spouse credit life insurance and credit disability insurance and credit property insurance covering collateral pledged for a loan or other extension of credit) at 2711 North Fourteenth Street, Ponca City, Oklahoma, through its wholly owned subsidiary, Crown Finance Corporation (10/22/76).²

BancOklahoma Corp., Tulsa, Oklahoma, notification of intent to engage in de novo activities (to offer credit life/accident and health insurance on loans or extensions of credit made by BancOklahoma Service Corp.) at 321 South Boston, Tulsa, Oklahoma, through a subsidiary, BancOklahoma Service Corp. (10/22/76).²

Thirty-Six Venturers, Inc., Otterville, Missouri, notification of intent to engage in de novo activities (the sale of credit life and credit accident and health insurance) on the premises of The Bank of Otterville, Otterville, Missouri (10/18/76).²

² 4(c) (8) and 4(c) (12) notifications processed by Reserve Bank on behalf of the Board of Governors under delegated authority.

Old National Bancorporation, Spokane, Washington, notification of intent to engage in de novo activities (serving as an escrow or closing agent in connection with the closing of real estate loans financed by credit extending subsidiaries of Old National Bank in Spokane; at present the credit extending subsidiaries are Old National Bank of Washington; The First National Bank in Spokane; and Bancshares Mortgage Company, all of which have their principal places of business in Spokane, Washington) in the Sherwood Building, 510 Riverside and East 10812 Sprague, Spokane, Washington and 3400 West Clearwater, Kennewick, Washington, through its indirect subsidiary, Cascade Escrow Company (10/19/76).²

Security Pacific Corporation, Los Angeles, California, notification of intent to engage in de novo activities (making, acquiring, or participating in loans and other extensions of credit and leases of personal and real property, such leases to be those where at the inception of the initial lease the effect of the transaction (and, with respect to governmental entities only, reasonably anticipated future transactions) will yield a return that will compensate the lessor for not less than the lessors full investment in the property plus the estimated total cost of financing the property over the term of the lease) at 333 South Hope Street, Los Angeles, California (10/23/76).²

APPROVED

Horizon Bancorp., Morristown, New Jersey, for approval to acquire all the shares of Mortgage Investment Securities, Inc., Clearwater, Florida and its subsidiary, M.I.S.I., Inc., Clearwater, Florida, Auburn-dale, Clearwater, Port Lauderdale, and Sarasota, all in Florida; Atlanta, Georgia; Tucson and Phoenix, Arizona; and Oak Brook, Illinois (2).

Philadelphia National Corporation, Philadelphia, Pennsylvania, for approval to acquire an additional 20 per cent of the voting shares of Congress Factors Corporation, Philadelphia, Pennsylvania with offices located in New York, New York; Hato Rey, Puerto Rico; and Philadelphia, Pennsylvania.

Utica Agency, Inc., Utica, Kansas, for permission to retain its credit-related insurance agency activities which are presently conducted through Horn Insurance Agency, Utica, Kansas.

To Expand a Bank Holding Company Pursuant to section 4(c) (12) of the Bank Holding Company Act of 1916.

PERMITTED

Warner Communications Inc., New York, New York, notification of intent to acquire through its subsidiary, WCI Games Inc., the controlling shares of Atari, Inc. (10/22/76).²

APPLICATIONS RECEIVED

To establish a Domestic Branch Pursuant to section 9 of the Federal Reserve Act.

South Side Bank, Chicago, Illinois. Branch to be established at 245 East 31st Street, Chicago, Illinois.

Merchantile Bank of Farmington, Farmington, Missouri. Branch to be established at the Southwest corner of Highway 32 (Woodlawn Drive) and Second Street in Leadington, St. Francois County.

To Become a Member of the Federal Reserve System Pursuant to section 9 of the Federal Reserve Act.

² Application processed by the Reserve Bank on behalf of the Board of Governors under delegated authority.

² 4(c) (8) and 4(c) (12) notifications processed by Reserve Bank on behalf of the Board of Governors under delegated authority.

First Northwestern Trust Co. of South Dakota, Sioux Falls, South Dakota.

To Form a Bank Holding Company Pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956.

Mingo Bancshares, Inc., Puxico, Missouri, for approval to acquire 92.2 percent of the voting shares of Puxico State Bank, Puxico, Missouri.

Stillwater Holding Company, Stillwater, Minnesota, for approval to acquire 80.02 percent of the voting shares of The First National Bank of Stillwater, Stillwater, Minnesota.

To Expand a Bank Holding Company Pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956.

First National Boston Corporation, Boston, Massachusetts, for approval to acquire 100 percent of the voting shares of the successor by merger to The First National Bank of Yarmouth, Yarmouth (P.O. Yarmouth Port), Massachusetts.

To Expand a Bank Holding Company Pursuant to section 4(c)(8) of the Bank Holding Company Act of 1956.

Industrial National Corporation, Providence, Rhode Island, notification of intent to engage in de novo activities (the leasing of personal property) at One North Park East, Suite 109, 8950 North Central Expressway, Dallas, Texas, through Inleasing Corporation, a subsidiary of Industrial National Corporation (10/16/76).³

Pittsburgh National Corporation, Pittsburgh, Pennsylvania, notification of intent to engage in de novo activities (mortgage banking including the making, acquiring, and servicing for its own account or the accounts of others, loans and other extensions of credit) at Suite 206, 824 5th Avenue, Huntington, West Virginia, through its wholly-owned subsidiary, The Kissell Company, Springfield, Ohio (10/22/76).³

First & Merchants Corporation, Richmond, Virginia, notification of intent to engage in de novo activities (leasing of personal property and equipment, or acting as agent, broker, or adviser in leasing of such property; term financing using conditional sales contracts and security agreements; and making or acquiring, loans or participations in loans or other extensions of credit including construction loans and other mortgage loans on residential, multi-family, and commercial real estate) at 1111 East Main Street, Richmond, Virginia, through a subsidiary, Equitable Leasing Corporation (10/22/76).³

Maryland National Corporation, Baltimore, Maryland, notification of intent to engage in de novo activities (engaging generally in the business of leasing personal property including, but not limited to, the leasing of various types of equipment, machinery, vehicles, transportation equipment, and data processing equipment; originating personal property leases as principal or agent; servicing personal property leases for affiliated or non-affiliated individuals, partnerships, or corporations; buying and selling and otherwise dealing in personal property lease contracts as principal or agent; acting as adviser in personal property leasing transactions; engaging in the sale, as agent or broker, of insurance similar in form and intent to credit life and/or mortgage redemption insurance; engaging generally in the business of leasing real property where the lease is the functional equivalent of an extension of credit; originating real property leases as principal or agent, servicing

real property leases for affiliated or non-affiliated individuals, partnerships, corporations or other entities; buying, selling, and otherwise dealing in real property leases as principal, agent, or broker and acting as adviser in real property leasing transactions) at 1301 York Road, Luther-ville, Maryland, through a subsidiary, Maryland National Leasing Corporation (10/18/76).³

Barnett Banks of Florida, Inc., Jacksonville, Florida, notification of intent to engage in de novo activities (acting as investment or financial adviser to the extent of serving as investment adviser as defined in Section 2(a)(20) of the Investment Company Act of 1940 to an investment company registered under that act; providing portfolio investment advice to any other person; furnishing general economic information and advice, general economic statistical forecasting services, and industry studies; and providing financial advice to State and local governments such as with respect to the issuance of their securities) at 250 Park Avenue, South, Winter Park and 1001 East Atlantic Avenue, Delray Beach, both located in Florida, through a subsidiary, Barnett Investment Services, Inc. (10/21/76).³

Peoples State Holding Company, Westhope, North Dakota, notification of intent to engage in de novo activities (the activities of an agricultural credit company) in Newburgh and Westhope, both in North Dakota, through a subsidiary, Peoples Credit Company (10/21/76).³

NBC Co., Lincoln, Nebraska, notification of intent to engage in de novo activities (conducting the business of an industrial loan and investment company including issuance of interest bearing savings certificates and making loans including consumer loans, commercial loans, and real estate mortgage loans) at 10855 West Dodge Road, Omaha, Nebraska, through a subsidiary, Mutual Savings Company of Omaha (10/19/76).³

Security Pacific Corporation, Los Angeles, California, notification of intent to engage in de novo activities (acting as broker or agent for the sale of credit related property and casualty insurance with respect to loans or extensions of credit of The Bankers Investment Company) at 400 S. Broadway, Wichita, Kansas, through its subsidiary, The Bankers Investment Company (10/14/76).³

To Expand a Bank Holding Company Pursuant to section 4(c)(12) of the Bank Holding Company Act of 1956.

Berkshire Hathaway Inc., New Bedford, Massachusetts, notification of intent to acquire directly and indirectly more than five per cent of the outstanding voting stock of Government Employees Financial Corporation, Denver, Colorado, a consumer finance business in the United States and West Germany (10/18/76).³

REPORTS RECEIVED

None.

PETITIONS FOR RULEMAKING

None.

Board of Governors of the Federal Reserve System, November 5, 1976.

RICHARD D. ABRAHAMSON,
Assistant Secretary of the Board.

[FR Doc. 76-33416 Filed 11-11-76; 8:45 am]

³ 4(c)(8) and 4(c)(12) notifications processed by Reserve Bank on behalf of the Board of Governors under delegated authority.

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

Rules of Organization

The Secretary of the Board has approved several amendments to the Board's Rules of Organization to bring up to date descriptions of the functions of the various offices and divisions of the Board.

Effective October 29, 1976, the Rules of Organization of the Board of Governors of the Federal Reserve System are amended as follows:

1. Section 3 of the Rules of Organization is amended to read as follows:

Sec. 3. *Central organization.* The Board's central organization consists of the following Offices, Divisions and officials:

(a) *Office of Board Members* consists of the members of the Board, Counsel to the Chairman, Assistants, and Special Assistants to the Board assigned to public affairs and Congressional liaison.

(b) *Office of Staff Director for Monetary Policy* is responsible for FOMC staff activities, preparation of proposals on monetary policy instruments including discount rates and reserve requirements, coordination of staff work on regulatory issues closely related to monetary policy and the functioning of money and capital markets, liaison with the Trading Desk at the Federal Reserve Bank of New York, liaison with Government agencies and private groups in connection with debt and cash management policies, interdepartmental coordination of monetary policy planning with foreign exchange operations, and coordination of System statistical programs related to monetary policy operations.

(c) *Office of Staff Director for Management* is responsible for the planning and coordination of staff operations and organization and for resource management, and supervision of the following functions: Board building administration and operations, Board budget and accounting activities, data processing, personnel-related activities, Equal Employment Opportunity, contingency planning operations, and coordination of the banking structure program activities.

(d) *Office of the Secretary*, headed by the Board's Secretary, coordinates and handles items requiring Board action, including actions under delegated authority; prepares agenda for Board meetings; implements actions taken at Board meetings; prepares, circulates and indexes minutes of the Board; performs special functions in connection with meetings of the Conference of Chairmen of Federal Reserve Banks, Conference of Presidents of Federal Reserve Banks, Federal Advisory Council, Consumer Advisory Council, and other System groups; provides assistance to the Board in connection with appointment of directors of Federal Reserve Banks; makes arrangements for individuals and groups visiting the Board, both foreign and domestic; maintains custody of and provides reference service to official records of the Board; handles correspondence

and Freedom of Information requests; secures passports and visas for official foreign travel of System personnel; develops management systems for the Office; and provides relief secretarial and stenographic services.

(e) *Legal Division*, headed by the Board's General Counsel, advises and assists the Board with respect to legal aspects of its daily operations, including applicable statutes, regulations, applications, interpretations, opinions, orders, hearings, litigation, and legislation.

(f) *Division of Research and Statistics*, headed by a Director, provides the Board and the Federal Open Market Committee with the economic analysis and information needed for current operations, for the formulation of monetary and credit policies, and for the exercise of responsibilities with regard to bank regulation; prepares, publishes, and interprets a variety of statistical series in the financial and non-financial fields; conducts basic research relating to the effects of monetary policy on economic activity and prices, and to the effects of financial regulation on the structure and functioning of financial markets.

(g) *Division of International Finance*, headed by a Director, provides the Board and the Federal Open Market Committee with information and economic analysis on international questions affecting U.S. monetary policy and the exercise of regulatory responsibilities; conducts research in these areas; provides staff work in connection with the supervision of foreign operations of the Federal Reserve System, the membership of the Chairman of the Board on the National Advisory Council on International Monetary and Financial Policies, and the role of the Chairman of the Board as U.S. Alternate Governor to the International Monetary Fund.

(h) *Division of Federal Reserve Bank Operations*, headed by a Director, advises and assists the Board with respect to matters concerning the planning and programs for operation of the Federal Reserve Banks. The Division monitors the implementation and achievement of such programs and informs the Board of the status of each program. It provides an appraisal of Reserve Bank building programs, and recommendations on building program matters; provides analysis and recommendations for Board policy in the payments mechanism area; provides an appraisal of Reserve Bank communication and automation plans and proposals and recommendations to the Board in such area; reviews the lending and credit activities of the Reserve Banks; and maintains liaison with various interested parties on payments mechanism matters. The Division also coordinates the printing and distribution of Federal Reserve notes and is jointly responsible with the Bureau of the Mint for the production and distribution of coin.

(i) *Division of Federal Reserve Bank Examinations and Budgets*, headed by a Director, assists the Board in its management-control responsibilities with re-

spect to the Federal Reserve Banks and advises the Board on matters concerning operations, planning and programs of the Reserve Banks within its area of responsibility. The Division is responsible for financial examinations of the Federal Reserve Banks and for operational reviews of Reserve Bank functions including: Protection, Fiscal Agency, Open Market, Check Processing, Data Processing, Communications, Coin and Currency, Audit and various staff functions. The Division administers an expense control and budgeting system for collection and analysis of budget and expense data; prescribes accounting principles, standards and related requirements to be followed by the Reserve Banks; and provides certain centralized financial accounting services. The Division also maintains liaison with the Treasury and other Government agencies and with various interested parties on matters related to Reserve Bank operations within its area of responsibility.

(j) *Division of Banking Supervision and Regulation*, headed by a Director, coordinates the bank supervisory functions of the System and evaluates the examination procedures of the Reserve Banks; exercises general supervision of the commercial and fiduciary activities of State member banks; administers the supervisory features of laws and regulations relating to affiliates and bank holding companies, supervises various foreign banking activities of member banks and foreign banking and financing corporations; administers the public disclosure provisions of the Securities Exchange Act of 1934, as amended, in their application to State member banks, and the provisions of the Act giving responsibility to the Board for regulating security credit transactions; monitors the provisions of various consumer protection statutes, the Currency and Foreign Transactions Reporting Act, and the Civil Rights Act of 1968 in their application to State member banks; processes and presents to the Board applications filed pursuant to the Bank Holding Company Act of 1956, as amended, and the Bank Merger Act and various other applications submitted under the provisions of the Federal Reserve Act or related statutes; and advises the Board regarding developments in banking and bank supervisory policies and procedures.

(k) *Division of Consumer Affairs*, headed by a Director, implements consumer affairs legislation for which the Board has responsibility. Its functions include drafting regulations and interpretations pursuant to the Truth in Lending Act (as amended), the Federal Trade Commission Improvements Act, the Equal Credit Opportunity Act (as amended), and the Home Mortgage Disclosure Act, for financial institutions and other firms engaged in consumer credit and leasing activities. The division also administers these regulations as well as the Fair Credit Reporting Act in their application to State member banks.

(l) *Division of Personnel*, headed by a Director, is responsible for the develop-

ment and implementation of Board personnel policies and programs, and advises and assists the Board on personnel matters pertaining to the Federal Reserve Banks.

(m) *Division of Administrative Services*, headed by a Director, serves as the central procurement, duplicating, communications, and service unit of the Board and advises and assists the Board with respect to such matters. It also performs various administrative functions, including the distribution of Board publications and the operation of the Board's building and other facilities.

(n) *Office of the Controller*, headed by the Board's Controller, is responsible for maintaining an effective internal financial management system, including budgeting, accounting, reporting, internal and contract auditing, and operational analyses; determining assessments on the Federal Reserve Banks for funds to cover expenses of the Board; receiving and disbursing the Board's funds; and handling reimbursement to the Treasury Department for the printing, issuance, and redemption of Federal Reserve notes.

(o) *Division of Data Processing*, headed by a Director, supports the Board's organization through the development, operation, and maintenance of information processing systems. Activities include systems and mathematical statistical analysis, computer programming, equipment operation, data and production control, advanced planning and implementation of computer systems and communication networks. The Division develops, collects, and processes statistical information on banking developments and on the condition of Federal Reserve Banks and member banks; and designs and produces graphics used in economic analysis and information presentation.

(p) *Other personnel*. The Board does not employ administrative law judges or hearing officers as regular members of its staff; but, in accordance with applicable provisions of law and in individual cases as the need may arise, the Board obtains and utilizes administrative law judges and hearing officers, whose functions in such capacity are appropriately separated, as required by law, from investigative and prosecuting functions of the staff.

2. Section 4 and the Appendix are revised as follows:

Sec. 4. Field Organization.

* * * The locations of the twenty-five branches and the boundaries of the Federal Reserve district and branch territories are shown in the Appendix. * * *

Board of Governors of the Federal Reserve System, October 29, 1976.

THEODORE E. ALLISON,
Secretary of the Board.

APPENDIX—FEDERAL RESERVE BANKS

Boston: 30 Pearl Street, Boston, Massachusetts 02106.

New York: 33 Liberty Street (Federal Reserve P.O. Station), New York, New York 10045; Buffalo Branch, 160 Delaware Avenue (P.O. Box 961), Buffalo, New York 14240.

Philadelphia: 100 North 8th Street (P.O. Box 66), Philadelphia, Pennsylvania 19105.

Cleveland: 1455 East Sixth Street (P.O. Box 6387), Cleveland, Ohio 44101; Cincinnati Branch, 150 East Fourth Street (P.O. Box 999), Cincinnati, Ohio 45201; Pittsburgh Branch, 717 Grant Street (P.O. Box 897), Pittsburgh, Pennsylvania 15230.

Richmond: 100 North Ninth Street (P.O. Box 27622), Richmond, Virginia 23261; Baltimore Branch, 114-120 East Lexington Street (P.O. Box 1378), Baltimore, Maryland 21203; Charlotte Branch, 401 South Tryon Street (P.O. Box 300), Charlotte, North Carolina 28230; Culpeper Communications and Records Center, P.O. Drawer 20, Culpeper, Virginia 22701.

Atlanta: 104 Marietta Street N.W., Atlanta, Georgia 30303; Birmingham Branch, 1801 Fifth Avenue, North (P.O. Box 10447), Birmingham, Alabama 35202; Jacksonville Branch, 515 Julia Street, Jacksonville, Florida 32203; Miami Branch, 3770 S.W. 8th Street, Coral Gables, Florida 33134 (P.O. Box 520847, Miami, Florida 33152); Nashville Branch, 301 Eighth Avenue, North, Nashville, Tennessee 37203; New Orleans Branch, 525 St. Charles Avenue (P.O. Box 61630), New Orleans, Louisiana 70161.

Chicago: 230 South LaSalle Street (P.O. Box 834), Chicago, Illinois 60690; Detroit Branch, 160 Fort Street, West (P.O. Box 1059), Detroit, Michigan 48231.

St. Louis: 411 Locust Street (P.O. Box 442), St. Louis, Missouri 63166; Little Rock Branch, 325 West Capitol Avenue (P.O. Box 1261), Little Rock, Arkansas 72203; Louisville Branch, 410 South Fifth Street (P.O. Box 899), Louisville, Kentucky 40201; Memphis Branch, 200 North Main Street (P.O. Box 407), Memphis, Tennessee 38101.

Minneapolis: 250 Marquette Avenue, Minneapolis, Minnesota 55480; Helena Branch, 400 North Park Avenue, Helena, Montana 59601.

Kansas City: 925 Grand Avenue (Federal Reserve Station), Kansas City, Missouri 64198; Denver Branch, 1020 16th Street (P.O. Box 5228, Terminal Annex), Denver, Colorado 80217; Oklahoma City Branch, 226 Northwest Third Street (P.O. Box 25129), Oklahoma City, Oklahoma 73125; Omaha Branch, 102 South Seventeenth Street, Omaha, Nebraska 68102.

Dallas: 400 South Akard Street (Station K), Dallas, Texas 75222; El Paso Branch, 301 East Main Street (P.O. Box 100), El Paso, Texas 79999; Houston Branch, 1701 San Jacinto Street (P.O. Box 2578), Houston, Texas 77001; San Antonio Branch, 126 East Nueva Street (P.O. Box 1471), San Antonio, Texas 78295.

San Francisco: 400 Sansome Street (P.O. Box 7702), San Francisco, California 94120; Los Angeles Branch, 409 West Olympic Boulevard (P.O. Box 2077, Terminal Annex), Los Angeles, California 90051; Portland Branch, 915 S.W. Stark Street (P.O. 3436), Portland, Oregon 97208; Salt Lake City Branch, 120 South State Street (P.O. Box 780), Salt Lake City, Utah 84110; Seattle Branch, 1015 Second Avenue (P.O. Box 3567), Seattle, Washington 98124.

[FR Doc.76-33412 Filed 11-11-76;8:45 am]

D. H. BALDWIN CO.

Proposed Acquisition of Louisville Mortgage Service Company

D. H. Baldwin Company, Cincinnati, Ohio, has applied, pursuant to § 4(c) (8)

of the Bank Holding Company Act (12 U.S.C. § 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR § 225.4(b)(2)), for permission to acquire voting shares of Louisville Mortgage Service Company, Louisville, Kentucky. Notice of the application was published on September 23, 1976 in The Courier-Journal, a newspaper circulated in Louisville, Kentucky.

Applicant states that the proposed subsidiary would engage in the activities of originating and servicing mortgage loans and acting as insurance agent for the sale of insurance directly related to extensions of credit. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b). Applicant would also engage, through Heart of Louisville, Inc., by virtue of the proposed subsidiary's 9.52% interest in this company in the leasing of real property.

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than December 3, 1976.

Board of Governors of the Federal Reserve System, November 4, 1976.

RICHARD D. ABRAHAMSON,
Assistant
Secretary of the Board.

[FR Doc.76-33413 Filed 11-11-76;8:45 am]

MILLIKIN BANCSHARES, INC.

Order Approving Formation of Bank Holding Company

Millikin Bancshares, Inc., Decatur, Illinois, has applied for the Board's approval under section 3(a) (1) of the Bank Holding Company Act (12 U.S.C. § 1842 (a) (1)) of formation of a bank holding company through acquisition of 100 per cent (less director's qualifying shares) of the voting shares of the successor by merger to The Millikin National Bank of Decatur, Decatur, Illinois ("Bank"). The bank into which Bank is to be merged has

no significance except as a means to facilitate the acquisition of the voting shares of Bank. Accordingly, the proposed acquisition of shares of the successor organization is treated herein as the proposed acquisition of the shares of Bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. section 1842(c)).

Applicant is a newly-formed corporation that was organized for the sole purpose of becoming a bank holding company through the acquisition of Bank.¹ Bank (deposits of \$138.5 million) is the 37th largest bank in Illinois and controls approximately two-tenths of one percent of the total deposits held by commercial banks in that State.² In the relevant banking market, Bank is the largest of 15 banks and holds approximately 28 percent of the total deposits held by commercial banks in that market.³ Inasmuch as this proposal merely represents a corporate reorganization of existing ownership interests and since Applicant has no present subsidiaries, the acquisition of Bank by Applicant would not have any significant adverse effect upon either existing or potential competition within the relevant banking market. Accordingly, the Board concludes that competitive considerations are consistent with approval of the application.

The financial and managerial resources and future prospects of Applicant are dependent upon those of Bank and are considered to be satisfactory and consistent with approval. In connection with this proposal, Applicant will incur a nominal amount of debt, which will be repaid within 90 days of consummation by means of a special dividend from Bank, without impairing the financial condition of Bank. Thus, considerations relating to banking factors are consistent with approval of the application. Although no immediate changes in the operation or services of Bank as a result of consummation of this proposal, considerations relating to the convenience and needs of the communities to be served are regarded as being consistent with approval. It is the Board's judgment that consummation of the bank holding company formation would be consistent with the public interest and that the application to acquire Bank should be approved.

¹ In a related matter, the Board today approved the application, filed pursuant to § 3 (a) (3) of the Act, by Estate of James Millikin, Deceased, Decatur, Illinois, to acquire 55 percent of the voting shares of Applicant. (See Board's Order Dated November 5, 1976.)

² All banking data are as of December 31, 1975.

³ The relevant banking market is Macon County, Illinois.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Chicago pursuant to delegated authority.

By order of the Board of Governors,⁴
effective November 5, 1976.

RICHARD D. ABRAHAMSON,
Assistant
Secretary of the Board.

[FR Doc.76-33414 Filed 11-11-76;8:45 am]

ESTATE OF JAMES MILLIKIN, DECEASED **Order Approving Acquisition of Shares of** **Bank Holding Company**

Estate of James Millikin, Deceased, Decatur, Illinois ("Trust"), a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. § 1842(a)(3)) to acquire 55 percent of the voting shares of Millikin Bancshares, Inc., Decatur, Illinois ("Bancshares"), a proposed bank holding company with respect to the successor by merger to the Millikin National Bank of Decatur, Decatur, Illinois ("Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. § 1842(c)).

Trust (a testamentary charitable trust established by the will of James Millikin, Deceased) acquired control of Bank on June 3, 1909. Trust became a bank holding company on December 31, 1970, by virtue of the 1970 Amendments to the Act, with respect to its ownership of 55 percent of the outstanding voting shares of Bank. In addition to its current ownership interest in Bank, Trust owns and operates certain rural and urban real estate and owns various other assets, including a portfolio of stocks and bonds. Trust is administered by five trustees under the decedent's will for the benefit of charitable and educational institutions within the city of Decatur and is

⁴ Voting for this action: Chairman Burns and Governors Gardner, Wallich, Coldwell, and Partee. Absent and not voting: Governors Jackson and Lilly.

⁵ In a related action, the Board today approved the application, filed pursuant to section 3(a)(1) of the Act, by Bancshares to become a bank holding company through the acquisition of 100 per cent of the voting shares (less directors' qualifying shares) of Bank. (See Board's Order dated November 5, 1976.)

not engaged in any business other than that of administration of the trust.⁶

Trust currently owns 55 percent of the voting shares of Bank (deposits of \$138.5 million)⁷ and, as a result of this proposal, will be exchanging these shares for 55 percent of the voting shares of Bancshares. Bank is the 37th largest bank in Illinois and controls approximately two-tenths of one percent of the total deposits held by commercial banks in that State. In the relevant market, Bank is the largest of 15 banks and holds approximately 28 percent of the total deposits held by commercial banks in that market.⁸ Inasmuch as the subject proposal merely represents a corporate reorganization of existing ownership interests in Bank, consummation of the proposal would have no adverse effect upon either existing or potential competition in the relevant market. Accordingly, the Board concludes that competitive considerations are consistent with approval of the application.

The financial and managerial resources and future prospects of both Applicant and Bank are considered to be satisfactory. Thus, considerations relating to banking factors are consistent with approval of the application. Also, considerations relating to the convenience and needs of the community to be served are consistent with approval of the application. It is the Board's judgment that consummation of the proposed transaction would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Chicago pursuant to delegated authority.

By order of the Board of Governors,⁵
effective November 5, 1976.

RICHARD D. ABRAHAMSON,
Assistant Secretary of the Board.

[FR Doc.76-33435 Filed 11-11-76;8:45 am]

⁶ Section 4 of the Act provides certain privileges (hereinafter "grandfather privileges") with respect to the nonbanking activities of certain companies that, by virtue of the 1970 Amendments to the Act, became subject to the Act. Trust's grandfather privileges were reviewed by the Board on December 29, 1972, and, by Order of the same date, the Board determined, pursuant to section 4(a)(2) of the Act, that termination of the grandfather privileges of Trust was not necessary in order to prevent an undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices (38 FR 1153 (1973)).

⁷ All banking data are as of December 31, 1975.

⁸ The relevant banking market is Macon County, Illinois.

⁹ Voting for this action: Chairman Burns and Governors Gardner, Wallich, Coldwell, and Partee. Absent and not voting: Governors Jackson and Lilly.

SOUTHERN BANCORPORATION, INC.

Order Approving Acquisition of Pioneer Management Company, Inc.

Southern Bancorporation, Inc., Greenville, South Carolina ("Applicant"), a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval, under section 4(c)(8) of the Act and § 225.4(b)(2) of the Board's Regulation Y, to acquire indirectly, through its wholly-owned subsidiary, World Acceptance Corporation, Greenville, South Carolina ("World Acceptance"), all of the stock and warrants of Pioneer Management Company, Inc., Jacksonville, Texas ("Company"). Company engages in the activity of making installment loans to individuals. Such activity has been determined by the Board to be closely related to banking (12 CFR § 225.4(a)(1)).

Notice of the application, affording opportunity for interested persons to submit comments and views on the public interest factors, has been duly published (41 FR 30068 (1976)). The time for filing comments and views has expired, and the Board has considered all comments received in the light of the public interest factors set forth in section 4(c)(8) of the Act (12 U.S.C. § 1843(c)(8)).

Applicant, the fifth largest banking organization in South Carolina, controls two banks with deposits of approximately \$279 million, representing approximately 7 percent of total deposits in commercial banks in the State.¹ Applicant's non-banking subsidiaries are engaged in consumer finance and related credit insurance activities.

World Acceptance, with total net receivables of \$6.4 million (as of March 31, 1976), is engaged in making personal installment loans to individuals through 52 branch offices located in South Carolina, Georgia, and Texas. In addition, it sells credit-related life, accident and health, and property and casualty insurance through offices located in South Carolina and Georgia. The Board approved Applicant's acquisition of World Acceptance at the time it granted approval of formation of Applicant in September, 1973.²

Company began its business of making personal installment loans in November, 1972, and currently has total net receivables of \$305 thousand (as of February 29, 1976), and operates six offices in the eastern portion of Texas. World Acceptance and Company compete with each other for personal installment loans in only one area, Temple, Texas. While both companies have an office in Temple, there are numerous consumer finance companies (including several companies with nation-wide operations) operating in the Temple area, and the offices of World Acceptance and Company hold

¹ All banking data are as of December 31, 1975, unless otherwise indicated.

² Board Order dated September 19, 1973, approving the application of Southern Bancorporation, Inc., Greenville, South Carolina (59 Fed. Res. Bull. 764 (1973)).

only a small portion of the personal installment loan business in the area. Accordingly, the amount of existing competition that would be eliminated by consummation of this approval would be insignificant. Furthermore, in view of the relatively small size of the operations of Company in other Texas markets in which it operates, the proposal would represent a foothold entry by Applicant into those markets. It therefore appears that no significant adverse effects on future competition would result from the proposal. On the basis, the Board concludes that Applicant's acquisition of Company would not have significant adverse effects on either existing or potential competition.

It appears that consummation of this proposed transaction would not result in any undue concentration of resources, conflicts of interests, unsound banking practices, or any other adverse effects on the public interest. Acquisition of Company by Applicant would provide Company with access to a larger, more stable, and less costly source of funds, thereby enabling it to become a more effective competitor. The acquisition can also be expected to improve the managerial leadership and depth of both companies. These procompetitive factors, in the Board's opinion, outweigh any slightly adverse effects the proposal might have on existing competition in the relevant market.

Based upon the foregoing and other consideration reflected in the record, the Board has determined, in accordance with the provisions of section 4(c) (8) of the Act, that Applicant's acquisition of Company can reasonably be expected to produce benefits to the public that outweigh possible adverse effects. Accordingly, the application is hereby approved. This determination is subject to the conditions set forth in § 225.4 (c) of Regulation Y and to the Board's authority to require such modification or termination of the activities of a holding company, or any of its subsidiaries, as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and order issued thereunder, or to prevent evasion thereof.

The transaction shall be made not later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Richmond pursuant to authority hereby delegated.

By order of the Board of Governors,* effective November 4, 1976.

RICHARD D. ABRAHAMSON,
Assistant Secretary of the Board.

[FR Doc.76-33415 Filed 11-11-76;8:45 am]

*Voting for this action: Vice Chairman Gardner and Governors Wallich, Coldwell, Jackson, Partee, and Lilly. Absent and not voting: Chairman Burns.

DEPARTMENT OF LABOR

Bureau of Labor Statistics

BUSINESS RESEARCH ADVISORY COUNCIL'S COMMITTEE ON CONSUMER AND WHOLESALE PRICES

Meeting

The BRAC Committee on Consumer and Wholesale Prices will meet at 10 a.m., December 3, 1976, at the General Accounting Office Building, 441 G Street, NW, Room 2106, Washington, D.C. The agenda for the meeting is as follows:

1. The Proposed BLS Alternative Method of Homeownership Measurement in the Revised CPI.
2. Other Business.

This meeting is open to the public. It is suggested that persons planning to attend this meeting as observers contact Kenneth G. Van Auken, Executive Secretary, Business Research Advisory Council on (Area Code 202) 523-1559.

Signed at Washington, D.C., this 5th day of November 1976.

JULIUS SHISKIN,
Commissioner of Labor Statistics.

[FR Doc.76-33453 Filed 11-11-76;8:45 am]

Employment and Training Administration EMPLOYMENT TRANSFER AND BUSINESS COMPETITION DETERMINATIONS UNDER THE RURAL DEVELOPMENT ACT

Applications

The organizations listed in the attachment have applied to the Secretary of Agriculture for financial assistance in the form of grants, loans, or loan guarantees in order to establish or improve facilities at the locations listed for the purposes given in the attached list. The financial assistance would be authorized by the Consolidated Farm and Rural Development Act, as amended, 7 USC 1924 (b), 1932, or 1942 (b).

The Act requires the Secretary of Labor to determine whether such Federal assistance is calculated to or is likely to result in the transfer from one area to another of any employment or business activity provided by operations of the applicant. It is permissible to assist the establishment of a new branch, affiliate or subsidiary, only if this will not

result in increased unemployment in the place of present operations and there is no reason to believe the new facility is being established with the intention of closing down an operating facility.

The Act also prohibits such assistance if the Secretary of Labor determines that it is calculated to or is likely to result in an increase in the production of goods, materials, or commodities, or the availability of services or facilities in the area, when there is not sufficient demand for such goods, materials, commodities, services, or facilities to employ the efficient capacity of existing competitive commercial or industrial enterprises, unless such financial or other assistance will not have an adverse effect upon existing competitive enterprises in the area.

The Secretary of Labor's review and certification procedures are set forth at 29 CFR Part 75. In determining whether the applications should be approved or denied, the Secretary will take into consideration the following factors:

1. The overall employment and unemployment situation in the local area in which the proposed facility will be located.
2. Employment trends in the same industry in the local area.
3. The potential effect of the new facility upon the local labor market, with particular emphasis upon its potential impact upon competitive enterprises in the same area.
4. The competitive effect upon other facilities in the same industry located in other areas (where such competition is a factor).
5. In the case of applications involving the establishment of branch plants or facilities, the potential effect of such new facilities on other existing plants or facilities operated by the applicant.

All persons wishing to bring to the attention of the Secretary of Labor any information pertinent to the determinations which must be made regarding these applications are invited to submit such information in writing on or before November 26, 1976 to: Deputy Assistant Secretary for Employment and Training, 601 D St., NW., Washington, D.C. 20213.

Signed at Washington, D.C. this 8th day of November, 1976.

BEN BURDETSKY,
Deputy Assistant Secretary for
Employment and Training.

Applications received during the week ending Nov. 5, 1976

Name of applicant	Location of enterprise	Principal product or activity
Congelados Criollos, Inc.	Naranjito, P.R.	Processing and marketing of tropical fruits and vegetables.
Eastern Medical Associates, Inc.	Fajardo, P.R.	Medical hospital.
Teleram Communications Corp.	Denville, N.J.	Manufacture of portable terminals and transmission adapters.
Breen Color Concentrates, Inc.	Flemington, N.J.	Manufacturing, sales and distribution of color concentrate pellets for coloring thermoplastic resins.
Fiber Glass Industries, Inc.	Amsterdam, N.Y.	Manufacture of fibrous glass reinforcements and insulations.
Radianson of Michigan, Inc.	Ashland, Va.	Manufacture of electric heating units.
Americus Building Supply Co., Inc.	Americus, Ga.	Real estate and construction.
Day Properties, Inc.	Clinton, Tenn.	Motel and restaurant.
Carolina Sales Corp.	Greenville, N.C.	Sales and service of home appliances and related commercial accessories.
Jeter Construction Co., Inc.	Burton, S.C.	Manufacture and use of asphalt products.
GLS, Inc.	Yazoo City, Miss.	Manufacture of upholstered dimension furniture parts and finished furniture components.

Name of applicant	Location of enterprise	Principal product or activity
Carolina Furniture Manufacturing, Inc.	Orangeburg, S.C.	Manufacture and sales of furniture.
Gadsden County Industrial Development Authority.	Gadsden County, Fla.	Industrial site management.
Griffin Lumber Co.	Cordele, Ga.	Manufacture of pine lumber.
Green Acre Farms, Inc.	Sebastopol, Miss.	Processing poultry and marketing dressed poultry.
Vermont American Corp. (tenant of city of Lincoln).	Lincolnton, N.C.	Manufacture and marketing of precision cutting tools.
Scott County Grain Elevator, Co., Inc.	Sebastopol, Miss.	Production of broiler chicks and baking hens.
Anthony F. Antonino.	Spring Valley, Ill.	Cutting and preparation of meats.
Kenneth Negley d/b/a West Liberty Grain.	West Liberty, Ill.	Buyers grain and sells feed and fertilizer.
Northern Coach, Inc.	Auburndale, Wis.	Manufacture of schoolbus bodies.
Phillips Hospital (Helena Hospital Association).	Phillips County, Ark.	Hospital.
Kwik-Kold Division, Kay Laboratories, Inc.	Moberly, Mo.	Manufacture and sales of controlled temperature devices and systems, both disposable and reusable.
Intermountain Pipe & Welding Co., Inc.	Pleasant Grove, Utah.	Manufacture of fabricated metal products.

[FR Doc.76-33262 Filed 11-11-76;8:45 am]

Office of the Secretary

[TA-W-1013]

A. JACOBS AND SONS, INC.

Certification Regarding Eligibility to Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1013: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on August 6, 1976 in response to a worker petition received on August 6, 1976 which was filed on behalf of workers and former workers producing athletic footwear at the Lynn, Massachusetts plant of A. Jacobs and Sons, Incorporated.

The notice of investigation was published in the FEDERAL REGISTER on August 17, 1976 (41 FR 34837). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of A. Jacobs and Sons, Incorporated, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all four criteria have been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

The average number of production workers declined 6 percent in 1975 compared to 1974. In the first seven months of 1976, the average number of production workers declined 7 percent compared to the first seven months of 1975.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Sales of Jacobs' domestic made footwear declined 15 percent in 1975 compared to 1974. Sales of domestic made footwear declined in each quarter of 1975 when compared to the corresponding quarter in 1974. In the second quarter of 1976, sales declined 13 percent compared to the corresponding quarter in 1975.

INCREASED IMPORTS

Imports of athletic footwear increased every year from 5.5 million pairs in 1971 to 16.8 million pairs in 1975. In the first six months of 1976 imports increased to 15.6 million pairs compared to 7.5 million pairs in the first six months of 1975.

The ratio of imports to domestic production increased from 65.5 percent in 1971 to 71.1 percent in 1972 and decreased to 64.6 percent in 1973. In 1974, the ratio of imports to domestic production increased to 84.3 percent and further increased to 148.0 percent in 1975. In the first six months of 1976, the ratio of imports to domestic production increased to 201.6 percent compared to a ratio of 137.1 percent during the first six months of 1975.

CONTRIBUTED IMPORTANTLY

Imported athletic footwear increased from 28 percent of Jacobs' total sales in 1973 to 48 percent in 1975. In the first seven months of 1976 imported athletic shoes were 60 percent of Jacobs' sales compared to 54 percent in the first seven months of 1975.

Customers of Jacobs reported that they reduced purchases from Jacobs and increased the proportion of imported shoes among their total athletic footwear purchases.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with athletic footwear pro-

duced at the Lynn, Massachusetts plant of A. Jacobs and Sons, Incorporated, contributed importantly to the total or partial separations of the workers of that plant. In accordance with the provisions of the Act, I make the following certification:

All workers engaged in employment related to the production of athletic footwear at the Lynn, Massachusetts plant of A. Jacobs and Sons, Incorporated who became totally or partially separated from employment on or after July 28, 1975 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 22nd day of October 1976.

JAMES F. TAYLOR,

Director, Office of Management,
Administration and Planning.

[FR Doc.76-33462 Filed 11-11-76;8:45 am]

[TA-W-1005]

APPAREL SPORTSWEAR, INC.

Certification Regarding Eligibility to Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1005: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on July 30, 1976 in response to a worker petition received on July 30, 1976 which was filed by the International Ladies' Garment Workers Union on behalf of workers and former workers producing ladies' dresses, pants, jackets, skirts and blouses at Apparel Sportswear, Inc., New York, New York.

Notice of the Investigation was published in the FEDERAL REGISTER on August 13, 1976 (41 FR 34391). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Apparel Sportswear, Inc., its customers, the International Trade Commission, the Department of Commerce, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision thereof, have become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all four of the above criteria have been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

The average number of production workers decreased 25 percent from 1973 to 1974, decreased 17 percent from 1974 to 1975 and then increased 88 percent in the first four months of 1976 compared to the like period of 1975. All employment was terminated by May 15, 1976 when the plant was closed.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Sales decreased 13 percent from 1973 to 1974, decreased 4 percent from 1974 to 1975 and decreased 5 percent in the first five months of 1976 compared to the like period of 1975.

Production decreased 2 percent from 1973 to 1974, decreased 14 percent from 1974 to 1975, and decreased 48 percent in the January to April period of 1976 compared to the like period of 1975. All production ceased in April of 1976 and the plant was closed in May.

INCREASED IMPORTS

Imports of women's cotton dresses increased relatively from 1971 to 1972, declined absolutely and relatively in each year from 1972 to 1974, and then increased absolutely and relatively from 1974 to 1975 and from the first six months of 1975 to the same period of 1976. The ratios of imports to domestic production and consumption increased from 9.5 percent and 8.7 percent, respectively, in the first six months of 1975 to 18.2 percent and 15.4 percent, respectively, in the same period of 1976.

Imports of women's, misses', and juniors' knit dresses increased absolutely and relatively from 1971 to 1972, declined absolutely and relatively from 1972 to 1973, increased relatively from 1973 to 1974, and remained the same relatively from 1974 to 1975. Imports increased absolutely and relatively from the first half of 1975 to the first half of 1976. The ratios of imports to domestic production and consumption increased from 5.9 percent and 5.5 percent, respectively, in the first half of 1975 to 6.1 percent and 5.8 percent, respectively, in the first half of 1976.

Imports of women's, misses', and juniors' woven skirts declined absolutely and relatively in each year from 1971 to 1973, and then increased absolutely and relatively in each year from 1973 to 1975 and from the first half of 1975 to the first half of 1976. The ratios of imports to domestic production and consumption increased from 6.9 percent and 6.5 percent, respectively, in the first half of 1975 to 11.4 percent and 10.3 percent, respectively, in the first half of 1976.

Imports of women's, girls' and infants' knit skirts increased absolutely and relatively from 1971 to 1972, declined absolutely and relatively in each year from 1972 to 1974, and then increased absolutely and relatively from 1974 to 1975. Imports increased absolutely from the

first half of 1975 to the first half of 1976. The ratios of imports to domestic production and consumption increased from 5.3 percent and 5.0 percent, respectively, in 1974 to 7.4 percent and 6.9 percent, respectively, in 1975.

Imports of women's, misses' juniors', girls', children's, and infants' coats and jackets increased absolutely in each year from 1971 to 1973, declined from 1973 to 1974, and increased from 1974 to 1975. Imports increased absolutely and relatively from the first half of 1975 to the first half of 1976. The ratios of imports to domestic production and consumption increased from 63.7 percent and 38.9 percent, respectively, in the first half of 1975 to 64.5 percent and 39.2 percent, respectively, in the first half of 1976.

Imports of women's, misses', and children's woven slacks, jeans, and shorts increased absolutely from 1971 to 1972, declined absolutely and relatively in each year from 1972 to 1974, and then increased absolutely and relatively from 1974 to 1975. Imports increased absolutely from the first half of 1975 to the first half of 1976. The ratios of imports to domestic production and consumption increased from 23.9 percent and 19.3 percent, respectively, in 1974 to 24.8 percent and 19.9 percent, respectively, in 1975.

Imports of women's cotton trousers, slacks, and shorts increased absolutely from 1971 to 1972, declined absolutely and relatively in each year from 1972 to 1974, and then increased absolutely and relatively from 1974 to 1975. Imports increased absolutely from the first half of 1975 to the first half of 1976. The ratios of imports to domestic production and consumption increased from 20.0 percent and 16.7 percent, respectively, in 1974 to 27.6 and 21.6 percent, respectively, in 1975.

Imports of women's, misses', and juniors' pantsuits increased absolutely and relatively from 1974 to 1975, and from the first half of 1975 to the first half of 1976. The ratios of imports to domestic production and consumption increased from 20.1 percent and 16.7 percent, respectively, in the first half of 1975 to 23.0 percent and 18.7 percent respectively, in the first half of 1976.

Imports of women's, misses', juniors', girls' and infants' woven dress and sport blouses and shirts declined absolutely and relatively from 1971 to 1972, and then increased absolutely and relatively in each year from 1972 to 1975. Imports increased absolutely from the first half of 1975 to the first half of 1976. The ratios of imports to domestic production and consumption increased from 27.6 percent and 21.9 percent, respectively, in 1974 to 34.3 percent and 52.6 percent, respectively, in 1975.

Imports of women's, misses', juniors', girls', and infants' knit dress and sport blouses and shirts decreased relatively from 1971 to 1972, increased absolutely from 1972 to 1973 and the increased absolutely and relatively in each year from 1973 to 1975. Imports increased absolutely from the first half of 1975 to the first half of 1976. The ratios of imports

to domestic production and consumption increased from 59.6 percent and 37.3 percent, respectively, in 1974 to 69.9 percent and 41.1 percent, respectively, in 1975.

CONTRIBUTED IMPORTANTLY

The evidence developed during the course of the Department's investigation revealed that production of ladies' dresses, pants, jackets, skirts and blouses at Apparel Sportswear and employment at that company were adversely affected by imports.

The manufacturers for whom Apparel Sportswear, Inc. performs contract operations and the retail customers of those manufacturers shifted from Apparel's products to imported ladies' sportswear from 1974 to 1975, and continued to purchase imports in the first half of 1976.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with ladies' dresses, pants, jackets, skirts and blouses produced by Apparel Sportswear, Inc. contributed importantly to the total or partial separations of the workers of that firm. In accordance with the provisions of the Act, I make the following certification:

All workers engaged in employment at the New York, New York plant of Apparel Sportswear, Inc. who became totally or partially separated from employment on or after July 26, 1975 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 29th day of October 1976.

JAMES F. TAYLOR,
Director, Office of Management,
Administration and Planning.

[FR Doc. 76-33454 Filed 11-11-76; 8:45 am]

[TA-W-1006]

BETHLEHEM STEEL CORP.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1006: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on July 30, 1976 in response to a worker petition received on July 30, 1976 which was filed by three workers on behalf of workers and former workers engaged in the transportation of steel sheet and strip, rails and structural steel at Bethlehem Steel Corporation, Woodlawn, New York. The investigation revealed that these workers were employed in the Lackawanna Plant Services Department and were engaged in the intraplant transport of materials and products in relation to the production of steel in all divisions within the plant.

The Notice of Investigation was published in the *FEDERAL REGISTER* on August 13, 1976 (41 FR 34391). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Bethlehem Steel Corporation and its customers, the U.S. Department of Commerce, the American Iron and Steel Institute, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The Department's investigation has revealed that criterion (4) has not been met.

SIGNIFICANT TOTAL AND PARTIAL SEPARATIONS

The average annual employment of Plant Services Department workers decreased 3.0 percent in 1974 compared with 1973, decreased 11.4 percent in 1975 compared with 1974 and decreased 26.7 percent in the first three-quarters of 1976 compared with the first three-quarters of 1975.

Average weekly hours worked by Plant Services Department workers decreased 0.3 percent in 1974 compared with 1973, decreased 1.8 percent in 1975 compared with 1974 and increased 1.6 percent in the first three-quarters of 1976 compared with the first three-quarters of 1975.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Total plant sales to trade customers from all divisions of blooms, slabs and ingots, sheet and strip, structural steel and piling, bar, rail and specialty items in terms of quantity decreased 42.9 percent in 1975 compared with 1974 and decreased 16.6 percent in the first quarter of 1976 compared with the first quarter of 1975.

Total plant production by all divisions of ingots, slabs and blooms, sheet and strip, structural steel and piling, rail, bar and specialty items decreased 44.3 percent in 1975 compared

with 1974 and decreased 16.4 percent in the first quarter of 1976 compared with the first quarter of 1975.

INCREASED IMPORTS

Carbon steel blooms, slabs and ingots are included in a category also including castings, billets and sheet bars. Imports of this category decreased 5.3 percent in 1972 compared with 1971, decreased 45.7 percent in 1973 compared with 1972, increased 40.0 percent in 1974 compared with 1973, increased 48.7 percent in 1975 compared with 1974 and decreased 4.0 percent in the first half of 1976 compared with the first half of 1975. The ratios of imports to domestic production and consumption increased from 0.10 percent for each in 1974 to 0.18 percent for each, in 1975 and decreased from 0.22 percent for each, in the first half of 1975 to 0.20 percent for each, in the first half of 1976.

Imports of carbon steel sheet and strip decreased 9.7 percent in 1972 compared with 1971, decreased 15.8 percent in 1973 compared with 1972, decreased 3.1 percent in 1974 compared with 1973, decreased 23.3 percent in 1975 compared with 1974 and increased 11.9 percent in the first half of 1976. The ratios of imports to domestic shipments and consumption increased from 13.3 percent and 12.1 percent respectively, in 1974 to 14.9 percent and 13.0 percent respectively, in 1975, and decreased from 15.7 percent and 13.7 percent respectively, in the first half of 1975 to 11.7 percent and 10.6 percent respectively, in the first half of 1976.

Imports of carbon steel structural shapes and piling increased 9.1 percent in 1972 compared with 1971, decreased 22.1 percent in 1973 compared with 1972, decreased 7.9 percent in 1974 compared with 1973, decreased 29.2 percent in 1975 compared with 1974 and increased 16.7 percent in the first half of 1976 compared with the first half of 1975. The ratio of imports to domestic shipments increased from 19.1 percent in 1974 to 19.2 percent in 1975 and the ratio of imports to domestic consumption decreased from 16.8 percent in 1974 to 16.6 percent in 1975. The ratios of imports to domestic shipments and consumption increased from 18.5 percent and 16.1 percent respectively, in the first half of 1975 to 30.6 percent and 23.9 percent respectively, in the first half of 1976.

Imports of bar increased 6.8 percent in 1972 compared with 1971, decreased 9.2 percent in 1973 compared with 1972, decreased 8.5 percent in 1974 compared with 1973, decreased 37.1 percent in 1975 compared with 1974 and decreased 60.5 percent in the first half of 1976 compared with the first half of 1975. The ratios of imports to domestic shipments and consumption decreased from 8.6 percent and 8.1 percent respectively, in 1974 to 7.7 percent and 7.2 percent respectively, in 1975 and decreased from 9.8 percent and 9.1 percent respectively, in the first half of 1975 to 4.0 percent and 3.9 percent respectively, in the first half of 1976.

Imports of steel rail increased 31.4 percent in 1972 compared with 1971, decreased 0.5 percent in 1973 compared with 1972, increased 26.1 percent in 1974 compared with 1973, increased 81.2 percent in 1975 compared with 1974 and decreased 77.0 percent in the first half of 1976 compared with the first half of 1975. The ratios of imports to domestic shipments and consumption increased from 5.4 percent and 5.6 percent respectively, in 1974 to 7.7 percent and 8.0 percent respectively, in 1975 and decreased from 9.4 percent and 9.3 percent respectively, in the first half of 1975 to 2.8 percent and 3.0 percent respectively, in the first half of 1976.

CONTRIBUTED IMPORTANTLY

Over 95 percent of the steel ingots, blooms and slabs of the plant's Steel-making Division are consumed by Bethlehem Steel. These steel ingots, blooms and slabs are utilized in the production of steel products at either the Lackawanna plant or at other Bethlehem Steel mills. Bethlehem purchases no imported steel ingots, blooms or slabs.

Carbon steel sheet and strip customers of the plant's Strip Mill Division were primarily engaged in the manufacture of automobiles and automobile component parts. Use of imported steel by these customers was minimal although domestic supply conditions in 1974 in some cases did affect steel purchase patterns in 1974 and somewhat in 1975. Fluctuations in purchase of sheet and strip were primarily in response to the sales and production of the auto industry. Purchases of sheet and strip were substantial in 1974 as the auto industry prospered but dropped sharply in 1975 as automobile sales and production fell. Purchases of sheet and strip have increased in 1976. The Department has not recommended certification in any prior case involving carbon steel sheet and strip based on the facts and information presented.

The Lackawanna plant's Specialty Products Shop produces highway guard rail, guard rail material, corrugated roofing and a variety of shapes and products manufactured to customer specifications. These customers indicated that they had not shifted purchases to foreign sources. Purchases were influenced by domestic business conditions and in the case of guard rail, by specifications for the use of domestic product only.

Carbon steel structural shapes and piling customers of the Mills Structural and Slabbing Division indicated that imports were an important factor in current procurement decisions. Some customers had shifted purchases of steel to foreign sources because of its lower price. All customers indicated that foreign structural steel and piling is readily available at cheaper prices than domestic steel and that the availability and use of this foreign steel together with current slump in the construction industry was adversely affecting their businesses.

The Plant Services Department provides transportation services for the entire Lackawanna plant. The intraplant

transportation of materials and products in relation to the plant's production of steel is of an integrated nature; as such, workers are not separately identifiable by product or producing division.

Under TA-W-884, all production workers of the Lackawanna plant, with the exception of those workers engaged in the production of carbon steel structural shapes and piling in the Mills Structural and Slabbing Division, were denied a certification of eligibility to apply for adjustment assistance. The excluded workers produced more than 95 percent of the plant's total production in 1975 and more than 98 percent of the plant's total production in the first quarter of 1976.

Since 1973, production of structural steel and piling by the Mills Structural and Slabbing Division has never exceeded 5.1 percent of total plant production. In 1975, production of structural steel shapes and piling in terms of quantity represented 4.6 percent of total plant production and in the first quarter of 1976, represented 1.3 percent of total plant production.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports of products like or directly competitive with those transported by workers of Bethlehem Steel Corporation, Lackawanna plant, Plant Services Department located in Woodlawn, New York, did not contribute importantly to the total or partial separations of the workers at such plant.

Signed at Washington, D.C. this 29th day of October 1976.

JAMES F. TAYLOR,
Director, Office of Management
Administration and Planning.

[FR Doc.76-33455 Filed 11-11-76; 8:45 am]

[TA-W-986]

BRIEDE AND ROGOVSKY, INC.

Certification Regarding Eligibility to Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-986: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on July 14, 1976 in response to a worker petition received on July 14, 1976 which was filed by former workers producing men's and women's suits at the National Tailoring Company, St. Louis, Missouri. The investigation revealed that National Tailoring Company was one of five wholly-owned subsidiaries of Briede and Rogovsky, all of which occupied the same plant and employed workers engaged in the integrated production and sale of men's ready-made and custom-made tailored suits, sportcoats and slacks at the St. Louis, Missouri plant. There was no production of women's suits. The in-

vestigation was expanded to include National Tailoring Company, Andover Clothes, Chicago Tailoring Company, Great Western Tailoring and W. D. Smith, all the subsidiaries, and the administrative office of Briede and Rogovsky Incorporated, Chicago, Illinois.

The notice of investigation was published in the FEDERAL REGISTER on July 23, 1976 (41 FR 30419). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Briede and Rogovsky, Incorporated, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

- (1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;
- (2) That sales or production, or both, of such firm or subdivision have decreased absolutely;
- (3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and
- (4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all four of the above criteria have been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

The average number of production workers declined 14 percent in 1974 compared to 1973 and 39 percent in the first six months of 1975 compared to the like period in 1974. All workers were separated when the plant closed in June, 1975.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Sales at Briede and Rogovsky, Incorporated decreased 28 percent in value in 1974 compared to 1973 and 59 percent in the first quarter of 1975 compared to the like period in 1974.

INCREASED IMPORTS

Imports of men's custom tailored apparel are not separately identified in the Tariff Schedules of the United States annotated; they are included with the aggregate data of imports of men's tailored apparel.

Imports of men's and boys' tailored suits increased both absolutely and relative to domestic production in each year compared to the previous year from 1972 through 1975. Imports increased 27 percent absolutely in 1975 compared to 1974 and the ratio of imports to domestic production increased from 12.2 percent in 1974 to 17.2 percent in 1975.

Imports of men's and boys' tailored dress coats and sportcoats increased both absolutely and relative to domestic production in each year compared to the previous year from 1972 through 1975, except for a slight absolute decline in 1974. Imports increased 8 percent in 1975 compared to 1974, and the ratio of imports to domestic production increased from 21.2 percent in 1974 to 28.2 percent in 1975.

Imports of men's and boys' dress and sport trousers and shorts increased both absolutely and relative to domestic production in 1972 compared to 1971, then decreased in 1973 and 1974 compared to the previous year. Imports increased 39 percent absolutely in 1975 compared to 1974, and the ratio of imports to domestic production increased from 18.2 percent in 1974 to 31.4 percent in 1975.

CONTRIBUTED IMPORTANTLY

A customer accounting for a large proportion of sales indicated that it had switched purchases from tailored men's clothing produced at Briede and Rogovsky, Incorporated to imported men's tailored clothing.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imported men's tailored clothing contributed importantly to the total or partial separation of workers at Briede and Rogovsky, Incorporated, St. Louis, Missouri. In accordance with the provisions of the Act, I make the following certification:

All workers at the St. Louis, Missouri plant employed by the National Tailoring Company, Andover Clothes, Chicago Tailoring Company, Great Western Tailoring and W. D. Smith, all subsidiaries of Briede and Rogovsky Incorporated, and the Chicago, Illinois administrative office of Briede and Rogovsky, Incorporated, who became totally or partially separated from employment on or after June 18, 1975 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 29th day of October 1976.

JAMES F. TAYLOR,
Director, Office of Management
Administration and Planning.

[FR Doc.76-33456 Filed 11-11-76; 8:45 am]

[TA-W-244]

CHARLES H. LIEBMAN AND BROTHER, INC.

Revised Determination Regarding Eligibility to Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974, the Department of Labor issued a Notice of Negative Determination on February 6, 1976 (41 FR 5471) regarding eligibility to apply for adjustment assistance applicable to workers and former workers producing men's suits and sportcoats at Charles H. Liebman and Brother, Inc., Philadelphia, Pennsylvania.

At the request of the Amalgamated Clothing Workers of America, a review investigation was instituted by the Director of the Office of Trade Adjustment Assistance. The review investigation developed additional information from a broader spectrum of Liebman's customers concerning the influence of imports on their purchases from Liebman.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

- (1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;
- (2) That sales or production, or both, of such firm or subdivision have decreased absolutely;
- (3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and
- (4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all of the above criteria have been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Average weekly hours worked by employees of Charles H. Liebman declined 6.5 percent from 1973 to 1974 and fell 19.0 percent in the first three quarters of 1975 compared to the same period in 1974.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Total production of men's suits and sportcoats declined 10.9 percent from 1973 to 1974 and fell 26.8 percent in the first three quarters of 1975 compared to the same period in 1974.

INCREASED IMPORTS

Imports of men's and boys' suits increased absolutely and relative to domestic production and consumption in each year from 1971 through 1975. Imports increased 26.9 percent in quantity from 1974 to 1975. The ratios of imports to domestic production and consumption increased from 12.2 percent and 10.9 percent, respectively, in 1974 to 17.2 percent and 14.6 percent, respectively, in 1975.

Imports of men's and boys' sportcoats increased relative to domestic production and consumption in each year from 1971 through 1975. The ratios of imports to domestic production and consumption increased from 21.2 percent and 17.5 percent, respectively, in 1974 to 28.2 percent and 22.0 percent, respectively, in 1975. Imports increased absolutely from 1971 to 1973, declined from 1973 to 1974

and then rose 7.9 percent in quantity from 1974 to 1975.

CONTRIBUTED IMPORTANTLY

Information available at the time of the original investigation concerning Liebman's customers' purchasing patterns indicated that imports had not been a factor in their reducing purchases from Liebman. During the course of the review investigation, a survey of a larger sample of Liebman's customers revealed that three-fourths of these customers had reduced purchases from Liebman because of competition from imported men's suits and sportcoats. Some of the customers had substituted imported men's suits and sportcoats for those previously purchased from Liebman in order to remain price competitive with other stores already selling imports in their area. The other customers did not carry imported men's suits and sportcoats but competed for retail sales with stores which maintained a stock of imported men's suits and sportcoats. These customers had experienced declining retail sales as a result of competition from the lower priced imports and were forced to reduce their purchases of men's suits and sportcoats from Liebman. The larger representative sample of customers in this survey provided a more accurate reflection of the adverse impact of imports on production and employment at Liebman than was obtained in the original investigation.

CONCLUSION

The revised determination applicable to TA-W-244 is hereby issued as follows:

All workers at the Philadelphia, Pennsylvania plant of Charles H. Liebman and Brother, Inc., who became totally or partially separated from employment on or after December 2, 1974 are eligible to apply for adjustment assistance benefits under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 27th day of October 1976.

JAMES F. TAYLOR,
Director, Office of Management
Administration and Planning.

[FR Doc. 76-33463 Filed 11-11-76; 8:45 am]

[TA-W-1015]

DETROIT AUTOMOTIVE PRODUCTS

Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974, the Department of Labor herein presents the results of TA-W-1015: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on August 11, 1976 in response to a worker petition received on that date which was filed on behalf of workers and former workers producing limited slip differentials and components at the Warren, Michigan plant of Detroit Automotive Products.

The notice of investigation was published in the FEDERAL REGISTER (41 FR 35776) on August 24, 1976. No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from the U.S. International Trade Commission, the U.S. Department of Commerce, Detroit Automotive Products, its customers, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

- (1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated.
- (2) That sales or production, or both, of such firm or subdivision have decreased absolutely.
- (3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and
- (4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all of the above criteria were met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

The average number of production workers at Detroit Automotive Products declined 28.3 percent from 1974 to 1975; and decreased 2.8 percent in the first six months of 1976 compared to the same period in 1975. The average number of salaried workers declined 8 percent from 1974 to 1975, and 8.7 percent in the first six months of 1976 compared to the same period in 1975.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Company sales of limited slip differentials declined 12.2 percent from 1974 to 1975; and decreased 17.5 percent in the first six months of 1976 compared to the same period in 1975. Production of components for limited slip differentials declined 25.4 percent from 1974 to 1975; and increased 26.2 percent during the first six months of 1976 compared to the same period in 1975.

INCREASED IMPORTS

Imports of components by Detroit Automotive Products, used exclusively in their limited slip differentials, increased 85.9 percent from 1973 to 1974; increased 13.3 percent from 1974 to 1975; and increased 144.7 percent during the first six months of 1976 compared to the same period in 1975.

There are no known imports of fully assembled limited slip differentials.

CONTRIBUTED IMPORTANTLY

Components for limited slip differentials are uniquely constructed for each company's differentials. Each company's production of assembled limited slip differentials constitutes the only market for the components.

Company imports of components, as a percentage of company production, increased each year, from 2.3 percent in 1973, to 5.5 percent in 1974, 8.4 percent in 1975 and 16.8 percent in the first six months of 1976.

CONCLUSIONS

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with components for limited slip differentials produced at the Warren, Michigan plant of Detroit Automotive Products, contributed importantly to the total or partial separations of the workers engaged in the production of such components at that plant. In accordance with the provisions of the Act, I make the following certification:

All hourly, piecework, and salaried workers engaged in employment related to the production of components for limited slip differentials at the Warren, Michigan plant of Detroit Automotive Products, who became totally or partially separated from employment on or after July 22, 1975 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

It is further concluded that increases of imports like or directly competitive with limited slip differentials produced at the Warren, Michigan plant of Detroit Automotive Products did not contribute importantly to the total or partial separations of the workers engaged in the production of those differentials. Therefore, workers engaged in the stage of assembling components into final limited slip differentials are not eligible to apply for adjustment assistance.

Signed at Washington, D.C. this 29th day of October 1976.

JAMES F. TAYLOR,
Director, Office of Management
Administration and Planning.

[FR Doc. 76-33457 Filed 11-11-76; 8:45 am]

[TA-W-1035]

FASHION SHOE PRODUCTS, INC.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1035: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on August 20, 1976 in response to a worker petition received on that date which was filed by the United Shoe Workers of America on behalf of workers and former workers producing heels and soles for shoes at Fashion Shoe Products, Incorporated, Sullivan, Missouri.

The notice of investigation was published in the FEDERAL REGISTER on September 17, 1976 (41 FR 40247). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Fashion Shoe Products, its customers, the American Footwear Industries Association, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that although the first criterion has been met, the second, third, and fourth criteria have not been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

The average number of production workers at Fashion Shoe Products decreased three percent from 1974 to 1975. While separations of workers did occur in mid-1976, employment in the first two quarters of 1976 was 39 percent and 32 percent above employment levels in the respective quarters of 1975. Employment rose 33 percent in January-August 1976 compared to the like period in 1975. Average weekly hours increased three percent from 1974 to 1975 and rose seven percent in January-August 1976 compared to the same period in 1975.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Dollar sales of the heels and soles produced at Fashion Shoe Products increased 66 percent from 1974 to 1975 and rose 96 percent in January-August 1976 compared to the like period in 1975. Unit production increased 124 percent in January-August 1976 compared to the same period in 1975.

INCREASED IMPORTS

Imports of heels and soles comprise less than one-half of one percent of the total number of heels and soles consumed as component parts of footwear in the United States.

CONTRIBUTED IMPORTANTLY

Customers who bought heels and soles from Fashion Shoe Products indicated either that they did not import any finished heels and soles or that their purchases of imported heels and soles had declined in the most recent twelve months.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports of like or directly competitive with heels and soles produced at Fashion Shoe Products, Incorporated Sullivan, Missouri, did not contribute importantly to the total or partial separation of workers at that firm.

Signed at Washington, D.C. this 28th day of October 1976.

JAMES F. TAYLOR,
Director, Office of Management
Administration and Planning.

[FR Doc. 76-33458 Filed 11-11-76; 8:45 am]

[TA-W-914]

FLORSHEIM SHOE CO.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-914: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on May 28, 1976, in response to a worker petition received on May 28, 1976 which was filed by the United Shoe Workers of America on behalf of workers and former workers producing men's footwear at the Cape Girardeau, Missouri plant of Florsheim Shoe Company, Chicago, Illinois.

The notice of investigation was published in the FEDERAL REGISTER on June 18, 1976 (41 FR 24800). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Florsheim Shoe Company, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or

threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation revealed that criteria (2), (3) and (4) were not met for moccasins and that criteria (1), (2), and (4) were not met for men's dress and casual shoes.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

The average number of production workers at Cape Girardeau declined 1.1 percent from 1973 to 1974 and then increased 3.5 percent from 1974 to 1975. In the first eight months of 1976, production employment increased 6.2 percent compared to the like period of 1975. From the first quarter of 1975 through the second quarter of 1976, production employment increased in each quarter when compared to the same quarter of the previous year.

The average number of hours worked by production employees increased 2.7 percent from 1973 to 1974 and increased 0.3 percent from 1974 to 1975. In the first three months of 1976, hours worked increased 14.2 percent compared to the like period in 1975.

Average salaried employment at Cape Girardeau declined 12.5 percent from 1973 to 1974 and declined 23.7 percent from 1974 to 1975. In the first three months of 1976, salaried employment increased 7.1 percent compared to the like period of 1975.

Employees engaged in the hand sewing of moccasins at Cape Girardeau are included in the data for production workers. Between April 1976 and August 1976, approximately 35 percent of the hand sewing operations employees were separated.

SALES, PRODUCTION OR BOTH, HAVE DECREASED ABSOLUTELY

Florsheim's sales of men's footwear are made from a central warehouse. Sales data are not available for individual plants.

Production of women's footwear, including moccasins, at Cape Girardeau increased 15.0 percent from 1973 to 1974 and then declined 7.7 percent from 1974 to 1975. In the first eight months of 1976, production increased 21.8 percent compared to the like period of 1975.

INCREASED IMPORTS

Imports of men's dress and casual footwear increased absolutely in each year from 1971 through 1973 and then declined both absolutely and relatively from 1973 to 1974. Imports increased absolutely from 1974 to 1975 and in the first quarter of 1976 compared to the first quarter of 1975. The ratio of imports to domestic production increased from 53.5 percent in 1974 to 58.4 percent in 1975 and increased from 72.3 percent in the first quarter of 1975 to 76.3 percent in the first quarter of 1976.

Imports of men's, youth's, and boys' soled moccasins increased absolutely in

each year from 1971 through 1973 and then declined absolutely in each year from 1973 through 1975. Imports remained stable in the first six months of 1976 compared to the like period of 1975. Data on domestic production of men's, youth's, and boys' soled moccasins was not available.

CONTRIBUTED IMPORTANTLY

The petition alleges that separations of workers at Cape Girardeau began in April 1976. The Department's investigation revealed that those employees who were separated were part of the hand sewing operation at Cape Girardeau and did stitching on moccasins. In 1976, the plant began using a new type of moccasin construction that, while still requiring some hand stitching, is less labor intensive than the former construction. As a result the labor force in the hand sewing operation is being reduced. Total production employment, including the hand sewing operation, has not shown declines because the plant is expanding production of other men's footwear.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with men's footwear produced at the Cape Girardeau, Missouri plant of Florsheim Shoe Company, Chicago, Illinois did not contribute importantly to the total or partial separation of workers of that plant.

Signed at Washington, D.C. this 29th day of October 1976.

JAMES F. TAYLOR,
Director, Office of Management,
Administration and Planning.

[FR Doc. 76-33459 Filed 11-11-76; 8:45 am]

[TA-W-1009]

GENERAL SHOE CO.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1009: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on July 30, 1976 in response to a worker petition received on July 30, 1976 which was filed on behalf of workers and former workers producing women's shoes at the Frankfort, Kentucky plant of General Shoe Company, a division of GENESCO, Inc., Nashville, Tennessee.

The notice of investigation was published in the FEDERAL REGISTER (41 FR 34392) on August 13, 1976. No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of GENESCO, Inc., its customers, the U.S. International Trade Commission, the U.S. Department of Commerce, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

- (1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated.
- (2) That sales or production, or both, of such firm or subdivision have decreased absolutely.
- (3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and
- (4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all four of the above criteria have been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

All employment at the Frankfort, Kentucky plant of the General Shoe Company was terminated the week ending July 30, 1976.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Production at the Frankfort, Kentucky plant of the General Shoe Company ceased the week ending July 30, 1976.

INCREASED IMPORTS

Imports of women's and misses' non-rubber footwear increased absolutely and relatively in 1972 compared to 1971 and in 1973 compared to 1972. Imports declined absolutely and relatively in 1974 compared to 1973 and then increased absolutely, but declined relatively, in 1975 compared to 1974. The ratios of imports to domestic production and consumption fluctuated upward from 79.6 percent and 44.3 percent, respectively in 1971 to 101.1 percent and 50.3 percent, respectively, in 1975. Imports increased 22.3 percent in absolute terms in the first six months of 1976 compared to the first six months of 1975. The ratios of imports to domestic production and consumption declined in the first six months of 1976 compared to the first six months of 1975.

CONTRIBUTED IMPORTANTLY

The Department's investigation revealed that customers of GENESCO have reduced purchases from GENESCO and increased purchases of imported women's shoes. Price and greater sensitivity to style changes by foreign manufacturers were the factors cited most frequently as the reasons that customers switched from domestic to foreign suppliers. In response to this shift of consumer preferences to imported women's shoes, GENESCO increased its imports of women's shoes by 79.5 percent in fiscal 1975 compared to fiscal 1974.

The Frankfort plant was closed as a result of adverse impact of imported women's footwear. Sales and production of shoes at GENESCO had been declining from 1970 through fiscal year 1975, largely as a result of competition from imports. During this time GENESCO closed and liquidated eleven factories. In the period 1969-1972 GENESCO closed five women's footwear factories and part of the production previously occurring at these plants was shifted into the Frankfort plant. GENESCO's sales of women's shoes continued to decline and in an effort to compete more effectively with import competition production of men's cement shoes was shifted into the Frankfort plant in 1973. Declining sales of men's shoes in 1974 and 1975 caused the termination of production of men's shoes at the Frankfort plant. Production previously occurring at the Frankfort plant was shifted back to GENESCO's traditional men's shoe plants, which company officials considered to be more economically functional. GENESCO then shifted production of a specialty sport shoe into the Frankfort plant in 1975 and women's slipstitched shoes in early 1976. When sales of these products declined the Frankfort plant closed effective July 1976.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with women's shoes produced by the Frankfort, Kentucky plant of General Shoe Company contributed importantly to the total or partial separations of the workers of that plant. In accordance with the provisions of the Act, I make the following certification:

All workers at the Frankfort, Kentucky plant of the General Shoe Company who became totally or partially separated from employment on or after May 28, 1976 and before August 1, 1976 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974 except that the following identified employees of General Shoe Company shall be eligible to apply for adjustment assistance even if they become totally or partially separated on or after August 1, 1976:

Danny Anderson, 497-58-4951, 804 Forest Hill Drive, Frankfort, Ky.
Floyd Gilbert, 404-22-2688, 110 Adair, Frankfort, Ky.

Signed at Washington, D.C. this 29th day of October 1976.

JAMES F. TAYLOR,
Director, Office of Management
Administration and Planning.

[FR Doc.76-33460 Filed 11-11-76;8:45 am]

[TA-W-1039]

INTERNATIONAL SHOE CO.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1039; investigation regarding certification of eligibility to apply for worker

adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on August 20, 1976 in response to a worker petition received on August 20, 1976 which was filed by the United Shoe Workers on behalf of workers and former workers producing men's shoes at the Batesville, Arkansas plant of the International Shoe Company.

The notice of investigation was published in the FEDERAL REGISTER on September 10, 1976 (41 FR 38568). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the International Shoe Co., its customers the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that without regard to whether any of the other criteria have been met, criterion (2) has not been met.

The Batesville facility does not engage in any sales activity. Shoes are produced in the Batesville plant and are delivered to a central distribution center where they are put in stock with shoes produced by other International Shoe Company plants.

Production at the Batesville plant declined 18.4 percent in quantity from 1973 to 1974. Production declined 7.3 percent from 1974 to 1975 but increased by 17.5 percent and 51.4 percent, respectively, in the third and fourth quarters of 1975 compared to the like quarters of 1974. Production increased 7.8 percent in the first 8 months of 1976 compared to the first 8 months of 1975.

CONCLUSION

After careful review of the facts obtained in the investigation, it is concluded that sales of production at the Batesville, Arkansas plant of the International Shoe Company have not declined as required for certification under section 222 of the Trade Act of 1974.

Signed at Washington, D.C., this 29th day of October 1976.

JAMES F. TAYLOR,
Director, Office of Management
Administration and Planning.

[FR Doc.76-33461 Filed 11-11-76;8:45 am]

[TA-W-1051]

KAYSER ROTH

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1051; investigation regarding certification of eligibility to apply for adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on August 30, 1976 by three workers on behalf of workers and former workers producing and selling men's shoes at the Whitman, Massachusetts facility of Kayser Roth.

The notice of investigation was published in the FEDERAL REGISTER on September 10, 1976 (41 FR 38565). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Kayser Roth, the Department of Commerce, the International Trade Commission, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Without regard to whether any of the other criteria have been met, criterion (2) has not been met.

The factory in Whitman, Massachusetts closed in 1971 and since that time the Whitman facility has been the central office and warehouse for the Shoe Manufacturing Division of Kayser Roth. A factory outlet store with a return goods department also is located on the premises. All store and central office employees are included on the salaried payroll. The Shoe Manufacturing Division produces men's shoes in two factories in Maine.

Production at the Lewiston, Maine plant and the Gardiner, Maine plant increased 43.9 and 41.1 percent, respectively, in the first eight months of 1976 compared to the like period in 1975. Production at both plants increased in each of the last four quarters when compared to their respective quarters in the previous year beginning with the third quarter of 1975. Production increased 7.8, 23.9, 71.3 and 42.9 percent, respectively, in the third and fourth quarters of 1975 and the first and second quarters of 1976 when compared to their respective quarters in the previous year at the Lewiston, Maine plant. Production of men's shoes increased at the Gardiner plant 5.4, 15.5, 45.2 and 57.5 percent, respectively, in the third and fourth quarters of 1975 and the first and second quarters of 1976 compared to their respective quarters in the previous year.

Company sales of men's shoes increased in the first eight months of 1976 compared to the like period in 1975 and increased 19.8, 10.0 and 6.2 percent, respectively in the fourth quarter of 1975 and the first and second quarters of 1976 when compared to their respective quarters in the previous year.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that sales or production of men's shoes at Kayser Roth has not decreased absolutely as required in section 222 of the Trade Act of 1974.

Signed at Washington, D.C. this 29th day of October 1976.

JAMES F. TAYLOR,
Director, Office of Management
Administration and Planning.

[FR Doc. 76-33464 Filed 11-11-76; 8:45 am]

[TA-W-966]

NEWCOMERTOWN, OHIO PLANT OF SIMONDS CUTTING TOOLS DIVISION, WALLACE MURRAY CORP.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-966: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on June 30, 1976 in response to a worker petition received on that date filed by the United Steelworkers of America on behalf of workers and former workers engaged in the production of hand files at the Newcomertown, Ohio plant of Wallace Murray Corporation, New York, New York.

The notice of investigation was published in the FEDERAL REGISTER on July 16, 1976 (41 FR 29523). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Newcomertown, Ohio plant of Wallace Mur-

ray Corporation, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all four of the above criteria have been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

The average number of production workers decreased 32 percent in 1975 compared to 1974 and decreased 9 percent in the first quarter of 1976 compared to the same quarter of 1975. Employment increased 5 percent in the second quarter of 1976 compared to the like period in 1975.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Sales declined 9 percent in 1975 compared to 1974 and increased 14 percent in the first half of 1976 compared to the like period in 1975.

Production fell 27 percent in 1975 compared to 1974 and fell 18 percent in the first quarter of 1976 compared to the last quarter of 1975. Production increased 16 percent in the second quarter of 1976 compared to the like period in 1975.

INCREASED IMPORTS

Imports of metal hand files and rasps increased in 1972 and declined in 1973 and rose in 1974. While imports decreased in 1975 compared to 1974, imports increased in the third and fourth quarters of 1975. Imports rose 26 percent in the first half of 1976 compared to the like period in 1975.

CONTRIBUTED IMPORTANTLY

Customers (distributors) indicated they have decreased purchases of hand files from the Newcomertown plant because their customers are purchasing less expensive imported hand files from other domestic distributors.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly

competitive with hand files produced at the Newcomertown, Ohio plant of Simonds Cutting Tools Division of the Wallace Murray Corporation did contribute importantly to the total or partial separation of the workers of that plant. In accordance with the provisions of the Act, I make the following certification:

All workers engaged in employment related to the production of hand files at the Newcomertown, Ohio plant of Simonds Cutting Tools Division, Wallace Murray Corporation who became totally or partially separated from employment on or after June 1, 1975 and before April 4, 1976 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974. All employees who became totally or partially separated on or after April 4, 1976 are denied certification.

Signed at Washington, D.C., this 29th day of October 1976.

JAMES F. TAYLOR,
Director, Office of Management
Administration and Planning.

[FR Doc. 76-33465 Filed 11-11-76; 8:45 am]

LEGAL SERVICES CORPORATION

RECIPIENT EMPLOYEE SALARY INSTRUCTIONS

Pursuant to Section 1008(e) of the Legal Services Corporation Act of 1974 (42 U.S.C. 2996g-(e)), the following instructions are published.

Salary administration. Recipients shall have a: (1) Current salary comparability statement, (2) salary schedule establishing minimum and maximum salaries for each position, (3) job description for each paid position or group of similarly paid positions, and (4) salary administration plan, including a staff performance evaluation system.

Salary comparability. In designing a salary comparability study, attorneys' salaries should be compared with local public or private nonprofit agencies or organizations which employ attorneys, e.g., public defender agencies, county counsel, city attorney, public interest law firms, etc. If the positions used for comparison are not full-time, the study should so reflect. Salary comparability for non-attorney positions may be established by using these same local agencies or organizations. The salary comparability study shall note which agencies or organizations were used for comparison and shall include a brief statement explaining how the job duties and responsibilities were compared.

Procedure. Grantees and contractors shall immediately begin to conduct a local salary survey. Within 90 days of the grant award, the salary survey and salary administration plan shall be submitted and approved by the relevant governing body and then submitted to the Regional Director for approval.

Upon receipt of written approval from the Regional Director, programs may compensate personnel in accordance with the salary schedule and salary administration plan without further approval from the Corporation so long as increases in salary do not raise the annualized cost of program operation beyond that which

has been awarded by the Corporation during an approved funding period.

Annual review. Recipients should review wages annually to insure that they remain as competitive as possible with other agencies and organizations.

CHARLES E. JONES,
Director, Office of Field Services,
Legal Services Corporation.

[FR Doc.76-33385 Filed 11-11-76;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 29726]

**AEROVIAS CONDOR DE COLOMBIA,
S.A.**

Hearing Regarding Foreign Permit Amendment (Colombia)

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on December 8, 1976, at 9:30 a.m. (local time), in Room 1003, Hearing Room C, 1875 Connecticut Avenue, N.W., Washington, D.C., before Administrative Law Judge William A. Kane, Jr.

For information concerning the issues involved and other details of this proceeding, interested persons are referred to the prehearing conference report served on November 2, 1976, and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., November 8, 1976.

WILLIAM A. KANE, JR.,
Administrative Law Judge.

[FR Doc.76-33474 Filed 11-11-76;8:45 am]

[Dockets 24582 and 29132; Order 76-9-172]

**ALLEGHENY AIRLINES, INC. AND
PIEDMONT AVIATION, INC.**

Order Consolidating and Setting Applications for Hearing in Accordance with Subpart M Procedures

Correction

In FR Doc. 76-29311, appearing at page 44067 in the issue for Wednesday, October 6, 1976, the order number, which was mistakenly omitted from the headings, as originally published, should read as set forth above.

[Docket No. 27573; Order 76-11-25]

**INTERNATIONAL AIR TRANSPORT
ASSOCIATION**

Order Relating to Specific Commodity Rates

Issued under delegated authority November 4, 1976.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers, and other carriers embodied in the resolutions of the Joint

Traffic Conferences of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 dealing with specific commodity rates.

The agreement names an additional specific commodity rate as set forth below, reflecting a reduction from general cargo rates, and was adopted pursuant to unprotested notices to the carriers and promulgated in IATA letter dated October 21, 1976.

Specific Commodity Item No.	Description and Rate
9516-----	Handicraft Products, ^{1,2} 220 cents per kg., minimum weight 1,000 kgs. From Addis Ababa to New York.

¹ See applicable tariffs for complete commodity description.

² Expires September 30, 1977.

Pursuant to authority duly delegated by the Board in the Board's Regulations, 14 CFR 385.14, it is not found that the subject agreement is adverse to the public interest or in violation of the Act, provided that approval is subject to the conditions hereinafter ordered.

Accordingly, it is ordered, That:

Agreement C.A.B. 26205 is approved, provided that approval shall not constitute approval of the specific commodity description contained therein for purposes of tariff publications; *Provided further*, That tariff filings shall be marked to become effective on not less than 30 days' notice from the date of filing.

Persons entitled to petition the Board for review of this order, pursuant to the Board's Regulations, 14 CFR 385.50, may file such petitions within ten days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period, unless within such period a petition for review thereof is filed or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.76-33475 Filed 11-11-76;8:45 am]

COMMISSION ON CIVIL RIGHTS CONNECTICUT ADVISORY COMMITTEE

Amended Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the Commission on Civil Rights, that the meeting of the Connecticut Advisory Committee (SAC) of the Commission published in the FEDERAL REGISTER on Tuesday, October 5, 1976, on page 43950 (FR Doc. 76-29237) amended to show change of meeting date to November 5, 1976, amended again to show change of meeting date and place. The meeting will be held on November 17, 1976 at 5 Lang Lane in New Haven, Connecticut. The meeting time will remain the same.

Dated at Washington, D.C., November 9, 1976.

ISAIAH T. CRESWELL, JR.,
Advisory Committee
Management Officer.

[FR Doc.76-33492 Filed 11-11-76;8:45 am]

DISTRICT OF COLUMBIA ADVISORY COMMITTEE

Amended Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the Commission on Civil Rights, that the meeting of the District of Columbia Advisory Committee (SAC) of the Commission published in the FEDERAL REGISTER on November 1, 1976, on page 47991 (FR Doc. 76-31870) is hereby amended to show change of meeting place. The meeting scheduled for November 23, 1976, will be held at 1121 Vermont Ave., NW., Room 512, 5th Floor Conference Room, Washington, D.C. 20425. The date and time remain the same.

Dated at Washington, D.C., November 8, 1976.

ISAIAH T. CRESWELL, JR.,
Advisory Committee
Management Officer.

[FR Doc.76-33493 Filed 11-11-76;8:45 am]

ILLINOIS ADVISORY COMMITTEE

Open Meeting and Agenda

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the Commission on Civil Rights, that a planning meeting of the Illinois Advisory Committee (SAC) to this Commission will convene at 10:30 a.m. and end at 3:00 p.m. on December 13, 1976, at 230 South Dearborn Street, Room 3280, Chicago, Illinois 60604.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Midwestern Regional Office of the Commission, 230 South Dearborn Street, 32nd Floor, Chicago, Illinois 60604.

The purpose of this meeting is discussion of Education Subcommittee project and consideration of future projects.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., November 8, 1976.

ISAIAH T. CRESWELL, JR.,
Advisory Committee
Management Officer.

[FR Doc.76-33494 Filed 11-11-76;8:45 am]

KENTUCKY ADVISORY COMMITTEE

Open Meeting and Agenda

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the Commission on Civil Rights, that a planning meeting of the Kentucky Advisory Committee (SAC) of the Commission will convene at 5:30 p.m. and end at 10:30 p.m. on December 9, 1976, at the

NOTICES

Executive Inn-East, Watterson Expressway at the Fairgrounds, Louisville, Kentucky 40213.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Southern Regional Office of the Commission, Citizens Trust Bank Bldg., Room 362, 75 Piedmont Avenue, NE., Atlanta, Georgia 30303.

The purpose of this meeting is a discussion of revised proposal and/or new proposal for upcoming project this year.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., November 9, 1976.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee
Management Officer.

[FR Doc.76-33495 Filed 11-11-76;8:45 am]

MISSISSIPPI ADVISORY COMMITTEE

Open Meeting and Agenda

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the Commission on Civil Rights, that a planning meeting of the Mississippi Advisory Committee (SAC) to this Commission will convene at 2:00 p.m. and end at 5:30 p.m. on December 1, 1976, at the Holiday Inn South, Banquet Room A, P.O. Box 5497, Meridian, Mississippi 39301.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Southern Regional Office of the Commission, Citizens Trust Bank Bldg., Room 362, 75 Piedmont Avenue NE., Atlanta, Georgia 30303.

The purpose of this meeting is the report of Subcommittee on Education on proposed project for 1977. There will also be a discussion of the staff report on progress of State Employment; staff report on complaints of employment discrimination in Ingalls shipyards and press conference on Greenville School Desegregation Case Study.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., November 8, 1976.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee
Management Officer.

[FR Doc.76-33496 Filed 11-11-76;8:45 am]

MISSOURI/KANSAS ADVISORY COMMITTEE

Open Meeting and Agenda

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the Commission on Civil Rights, that a planning meeting of the Missouri/Kansas Advisory Committee (SAC) to this Commission will convene at 7:30 p.m. and end at 9:00 p.m. on December 6, 1976, at the Neumann House, 6130 McGee, Kansas City, Missouri 64113.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Central States Regional Office of the Commission, Old Federal Office Building, Room 3103, 911 Walnut Street, Kansas City, Missouri 64106.

The purpose of this meeting is a planning session for the Bi-State Committee on Education.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., November 8, 1976.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee
Management Officer.

[FR Doc.76-33497 Filed 11-11-76;8:45 am]

NORTH CAROLINA ADVISORY COMMITTEE

Cancellation of Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the Commission on Civil Rights, that the meeting of the North Carolina Advisory Committee (SAC) of the Commission published in the FEDERAL REGISTER on Thursday, October 28, 1976, on page 47282 (FR Doc. 76-31542) is hereby cancelled. This meeting was scheduled for November 19, 1976.

Dated at Washington, D.C., November 8, 1976.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management
Officer.

[FR Doc.76-33498 Filed 11-11-76;8:45 am]

NORTH DAKOTA ADVISORY COMMITTEE

Open Meeting and Agenda

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the Commission on Civil Rights, that an informal open hearing of the North Dakota Advisory Committee (SAC) to this Commission will convene at 8:00 a.m. and end at 6:00 p.m. on December 9, 1976, at Courtroom No. 3, Federal Building, Third and Rosser, Bismarck, North Dakota 58501.

Persons wishing to attend this open hearing should contact the Committee Chairperson, or the Mountain States Regional Office of the Commission, Executive Tower Inn, Suite 1700, 1405 Curtis Street, Denver, Colorado 80202.

The purpose of this informal open hearing is to hear testimony regarding criminal justice for Native Americans in off-reservation areas of North Dakota.

This informal open hearing is being held as part of the North Dakota Advisory Committee project Criminal Justice for Native Americans in the Dakotas. Executive session will be used only in the event of testimony tending to defame or degrade individuals or agencies.

This meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., November 8, 1976.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee
Management Officer.

[FR Doc.76-33499 Filed 11-11-76;8:45 am]

SOUTH DAKOTA ADVISORY COMMITTEE

Open Meeting and Agenda

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the Commission on Civil Rights, that an informal open hearing of the South Dakota Advisory Committee (SAC) to this Commission will convene at 8:30 a.m. and end at 5:00 p.m. on December 6, 1976, and will reconvene at 9:00 a.m. and end at 12:00 noon on December 7, 1976, at the Howard Johnson's Motor Lodge, 2211 La Crosse St., Rapid City, South Dakota 57701.

Persons wishing to attend this open hearing should contact the Committee Chairperson, or the Mountain States Regional Office of the Commission, Executive Tower Inn, Suite 1700, 1405 Curtis Street, Denver, Colorado 80202.

The purpose of this informal hearing is to hear testimony regarding criminal justice for Native Americans in off-reservation areas of South Dakota.

This informal open hearing will become an Executive session only in the event of testimony tending to defame or degrade individuals or agencies.

This meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., November 9, 1976.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee
Management Officer.

[FR Doc.76-33500 Filed 11-11-76;8:45 am]

CIVIL SERVICE COMMISSION

DEPARTMENT OF THE AIR FORCE

Title Change in Noncareer Executive Assignment

By notice of May 14, 1970, FR Doc. 70-5931 the Civil Service Commission authorized the Department of the Air Force to fill by noncareer executive assignment the position of Deputy for Reserve Affairs and Education. This is notice that the title of this position is now being changed to Deputy Assistant Secretary for Reserve Affairs, Office of the Assistant Secretary of the Air Force (Manpower and Reserve Affairs).

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPY,
Executive Assistant to the
Commissioners.

[FR Doc.76-33472 Filed 11-11-76;8:45 am]

DEPARTMENT OF COMMERCE**Revocation of Authority To Make A Noncareer Executive Assignment**

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Commerce to fill by noncareer executive assignment in the excepted service the position of Chief, Policy Support Division, Office of Telecommunications.

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.76-33469 Filed 11-11-76;8:45 am]

DEPUTY UNDER SECRETARY OF THE ARMY**Delegation of Authority**

Under the authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of the Army to fill by noncareer executive assignment in the excepted service the position of Deputy Under Secretary of the Army, Office, Secretary of the Army.

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.76-32989 Filed 11-11-76;8:45 am]

FEDERAL ENERGY ADMINISTRATION**Title Change In Noncareer Executive Assignment**

By notice of August 27, 1975, FR Doc. 75-22704 the Civil Service Commission authorized the Federal Energy Administration to fill by noncareer executive assignment the position of Deputy Assistant Administrator for Energy Conservation and Environment, Office of Energy Conservation and Environment, Office of Assistant Administrator for Energy Conservation and Environment. This is notice that the title of this position is now being changed to Deputy Assistant Administrator for Conservation and Environment.

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.76-33473 Filed 11-11-76;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**Revocation of Authority To Make A Noncareer Executive Assignment**

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of

the Department of Housing and Urban Development to fill by noncareer executive assignment in the excepted service the position of Deputy Assistant Secretary for Public Affairs, Office of the Secretary.

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.76-33470 Filed 11-11-76;8:45 am]

DEPARTMENT OF TRANSPORTATION**Grant of Authority To Make A Noncareer Executive Assignment**

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Transportation to fill by noncareer executive assignment in the excepted service the position of Regional Representative of the Secretary (Boston), Office of the Secretary.

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.76-33468 Filed 11-11-76;8:45 am]

DEPARTMENT OF TRANSPORTATION**Revocation of Authority To Make A Noncareer Executive Assignment**

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Transportation to fill by noncareer executive assignment in the excepted service the position of Regional Representative of the Secretary of Transportation/Chairman Federal Regional Council, Office of the Secretary.

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc. 76-33471 Filed 11-11-76;8:45 am]

DEPARTMENT OF COMMERCE**Domestic and International Business Administration****MANAGEMENT-LABOR TEXTILE ADVISORY COMMITTEE****Public Meeting**

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. V, 1975), notice is hereby given that a meeting of the Management-Labor Textile Advisory Committee will be held on January 12, 1977 at 1:30 p.m. in Room 4833, Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

The Committee, which is comprised of 36 members, was established by the Secretary of Commerce on April 23, 1962 to

advise U.S. Government officials on problems and conditions in the textile and apparel industry and furnish information on world trade in textiles and apparel.

The agenda for the meeting will be as follows:

1. Review of import trends.
2. Implementation of textile agreements.
3. Report on conditions in the domestic market.
4. Other business.

A limited number of seats will be available to the public on a first-come basis. The public may file written statements with the Committee before or after each meeting. Oral statements may be presented at the end of the meeting to the extent time is available.

Copies of the minutes of the meeting will be made available on written request addressed to the DIBA Freedom of Information Officer, Freedom of Information Control Desk, Room 3100, U.S. Department of Commerce, Washington, D.C. 20230.

Further information concerning the Committee may be obtained from Arthur Garel, Director, Office of Textiles, U.S. Department of Commerce, Washington, D.C. 20230, telephone 202-377-5078.

Dated: November 9, 1976.

ROBERT E. SHEPHERD,
Acting Deputy Assistant Secretary for Resources and Trade Assistance.

[FR Doc.76-33480 Filed 11-11-76;8:45 am]

**Economic Development Administration
BALL AND CHAIN WEST, INC.****Petition for A Determination of Eligibility**

A petition by Ball and Chain West, Inc., 181 S. Park, San Francisco, California 94107, a producer of macrame plant hangers, was accepted for filing on November 4, 1976, under section 251 of the Trade Act of 1974 (Pub. L. 93-618). Consequently, the United States Department of Commerce has initiated an investigation to determine whether increased imports into the United States of articles like or directly competitive with those produced by the firm contributed importantly to total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of the petitioning firm.

Any party having a substantial interest in the proceedings may request a public hearing on the matter. A request for a hearing must be received by the Chief, Trade Act Certification Division, Economic Development Administration, U.S. Department of Commerce, Washington, D.C. 20230, no later than November 22, 1976.

CHARLES L. SMITH,
Acting Chief, Trade Act Certification Division, Office of Planning and Program Support.

[FR Doc.76-33279 Filed 11-11-76;8:45 am]

Maritime Administration

[Docket No. S-520]

BOLTON SHIPPING CO., INC.

Application

Notice is hereby given that Bolton Shipping Co., Inc., 410 Lakeville Road, Lake Success, New York 11040 has filed an application dated October 8, 1976, with the Maritime Subsidy Board (the Board) pursuant to Title VI of the Merchant Marine Act, 1936, as amended (the Act), for an operating-differential subsidy contract, to expire December 31, 1976, to operate the SS *Pisces*, 24,438 deadweight tons, in the carriage of export bulk raw and processed agricultural commodities in the foreign commerce of the United States (U.S.) from ports in the U.S. to ports in the Union of Soviet Socialist Republics (U.S.S.R.). Dry and liquid bulk cargoes may be carried from the U.S.S.R. and other foreign ports inbound to U.S. ports during voyages subsidized for carriage of export bulk raw and processed agricultural commodities to the U.S.S.R.

Full details concerning the U.S.-U.S.S.R. export bulk raw and processed agricultural commodities subsidy program, including terms, conditions and restrictions upon both the subsidized operators and vessels, appear in Title 46 of the Code of Federal Regulations, Part 294.

For purposes of section 605(c) of the Act, it should be assumed that should the Board grant the requested approval, the vessel named above will engage in the described trade, on a full-time basis, during the indicated time period. Under such approval, each voyage must be approved for subsidy assistance prior to its commencement, and the Board will act on such request(s) as an administrative matter for which there is no requirement for further section 605(c) notice(s).

Any person having an interest in the granting of the application and who would contest a finding by the Board that the service now provided by vessels of U.S. registry for the carriage of cargoes previously specified is inadequate, must on or before November 19, 1976, notify the Board's Secretary, in writing, of his interest and of his position, and file a petition for leave to intervene in accordance with the Board's rules of practice and procedure (46 CFR Part 201). Each such statement of interest and petition to intervene shall state whether a hearing is requested under section 605(c) of the Act and, with as much specificity as possible, the facts that the intervenor would undertake to prove at such hearing.

In the event a hearing under section 605(c) of the Act is ordered to be held with respect to the subject application, the purpose of such hearing will be to receive evidence relevant to (1) whether the application herein described, with respect to the vessel to be operated in an essential service and served by citizens of the U.S., would be in addition to the existing service or services, and if so, whether the service already provided by

vessels of U.S. registry is inadequate, and (2) whether in the accomplishment of the purposes and policy of the Act additional vessels should be operated thereon.

If no request for hearing and petition for leave to intervene is received within the specified time, or if the Board determines that petitions for leave to intervene filed within the specified time do not demonstrate sufficient interest to warrant a hearing, the Board will take such actions as may be deemed appropriate.

(Catalog of Federal Domestic Assistance Program No. 11.504 Operating-Differential Subsidies (ODS))

Dated: November 9, 1976.

By order of the Maritime Subsidy Board/Maritime Administration.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.76-33490 Filed 11-11-76;8:45 am]

[Docket No. S-52]

COLBY SHIPPING CO., INC.

Application

Notice is hereby given that Colby Shipping Co., Inc., 410 Lakeville Road, Lake Success, New York 11040 has filed an application dated October 8, 1976, with the Maritime Subsidy Board (the Board) pursuant to Title VI of the Merchant Marine Act, 1936, as amended (the Act), for an operating-differential subsidy contract, to expire December 31, 1976, to operate the SS *Virgo*, 24,483 deadweight tons, in the carriage of export bulk raw and processed agricultural commodities in the foreign commerce of the United States (U.S.) from ports in the U.S. to ports in the Union of Soviet Socialist Republics (U.S.S.R.). Dry and liquid bulk cargoes may be carried from the U.S.S.R. and other foreign ports inbound to U.S. ports during voyages subsidized for carriage of export bulk raw and processed agricultural commodities to the U.S.S.R.

Full details concerning the U.S.-U.S.S.R. export bulk raw and processed agricultural commodities subsidy program, including terms, conditions and restrictions upon both the subsidized operators and vessels, appear in Title 46 of the Code of Federal Regulations, Part 294.

For purposes of section 605(c) of the Act, it should be assumed that should the Board grant the requested approval, the vessel named above will engage in the described trade, on a full-time basis, during the indicated time period. Under such approval, each voyage must be approved for subsidy assistance prior to its commencement, and the Board will act on such request(s) as an administrative matter for which there is no requirement for further section 605(c) notice(s).

Any person having an interest in the granting of the application and who would contest a finding by the Board that the service now provided by vessels of U.S. registry for the carriage of cargoes previously specified is inadequate, must on or before November 19, 1976,

notify the Board's Secretary, in writing, of his interest and of his position, and file a petition for leave to intervene in accordance with the Board's rules of practice and procedure (46 CFR Part 201). Each such statement of interest and petition to intervene shall state whether a hearing is requested under section 605(c) of the Act and, with as much specificity as possible, the facts that the intervenor would undertake to prove at such hearing.

In the event a hearing under section 605(c) of the Act is ordered to be held with respect to the subject application, the purpose of such hearing will be to receive evidence relevant to (1) whether the application herein described, with respect to the vessel to be operated in an essential service and served by citizens of the U.S., would be in addition to the existing service or services, and if so, whether the service already provided by vessels of U.S. registry is inadequate, and (2) whether in the accomplishment of the purposes and policy of the Act additional vessels should be operated thereon.

If no request for hearing and petition for leave to intervene is received within the specified time, or if the Board determines that petitions for leave to intervene filed within the specified time do not demonstrate sufficient interest to warrant a hearing, the Board will take such actions as may be deemed appropriate.

(Catalog of Federal Domestic Assistance Program No. 11.504 Operating-Differential Subsidies (ODS))

Dated: November 9, 1976.

By order of the Maritime Subsidy Board/Maritime Administration.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.76-33491 Filed 11-11-76;8:45 am]

National Oceanic and Atmospheric Administration

CARIBBEAN REGIONAL FISHERY MANAGEMENT COUNCIL

Public Meeting

Notice is hereby given of a meeting of the Caribbean Regional Fishery Management Council established by Section 302 of the Fishery Conservation and Management Act of 1976 (Pub. L. 94-265).

The Caribbean Council will have authority, effective March 1, 1977, over fisheries within the fishery conservation zone adjacent to Puerto Rico and the Virgin Islands. The Council will, among other things, prepare and submit to the Secretary of Commerce fishery management plans with respect to the fisheries within its area of authority, prepare comments on applications for foreign fishing, and conduct public hearings.

This is the third in a series of organizational meetings of the Council. The meeting will be held Monday through Thursday, November 29 to December 2, 1976, at the Grapetree Bay Hotel, Christianssted, St. Croix, U.S. Virgin Islands.

The meeting will convene at 10:30 a.m. on November 29 and adjourn at about noon on December 2. Daily sessions will normally start at 9:00 a.m. and adjourn at 5:00 p.m., except as otherwise noted. The meeting may be extended or shortened depending upon progress on the agenda.

Proposed Agenda:

1. Council Organization and Administration Procedures.
2. Technical Procedures Including Fishery Management Plan Development.
3. Consideration of Inter-Island Fishing Problems.

This meeting is open to the public, and there will be seating for a limited number of public members available on a first come, first served basis. Members of the public having an interest in specific items for discussion are also advised that agenda changes are at times made prior to the meeting. To receive information on changes, if any, made to the agenda, interested members of the public should contact on or about November 19, 1976:

Ernest D. Premetz, Special Assistant to the Regional Director, National Marine Fisheries Service, Duval Building, 9450 Gandy Boulevard, St. Petersburg, Florida 33702.

At the discretion of the Council, interested members of the public may be permitted to speak at times which will allow the orderly conduct of Council business. Interested members of the public who wish to submit written comments should do so by addressing the Special Assistant to the Regional Director at the above address. To receive due consideration and facilitate inclusion of these comments in the record of the meeting, typewritten statements should be received within 10 days after the close of the Council meeting.

Dated: November 9, 1976.

JACK W. GEHRINGER,
Deputy Director,

National Marine Fisheries Service.

[FR Doc.76-33535 Filed 11-11-76;8:45 am]

MID-ATLANTIC REGIONAL FISHERY MANAGEMENT COUNCIL

Public Meeting

Notice is hereby given that the announcement pertaining to the Mid-Atlantic Regional Fishery Management Council published in the FEDERAL REGISTER October 29, 1976, Volume 41, No. 210 was inadvertently entitled New England Regional Fishery Management Council and should have been entitled Mid-Atlantic Regional Fishery Management Council.

Dated: November 9, 1976.

JACK W. GEHRINGER,
Deputy Director,

National Marine Fisheries Service.

[FR Doc.76-33534 Filed 11-11-76;8:45 am]

NORTH PACIFIC REGIONAL FISHERY MANAGEMENT COUNCIL'S SCIENTIFIC AND STATISTICAL COMMITTEE

Public Meeting

Notice is hereby given of a meeting of the North Pacific Fishery Management Council's Scientific and Statistical Committee established by Section 302(g) (1) of the Fishery Conservation and Management Act of 1976 (P.L. 94-265). The Scientific and Statistical Committee will act as an advisory body for the North Pacific Council which will have authority effective March 1, 1977, over fisheries within the Fishery Conservation Zone adjacent to the State of Alaska. The Committee shall assist the Council in the development, collection, and evaluation of such statistical, biological, economic, social, and other scientific information as is relevant to the Council's development and amendment of any fishery management plan.

This is the first meeting of the Scientific and Statistical Committee and it will deal with organizational matters and final preparation of draft fishery management plans requested by the North Pacific Council. The meeting will be held Monday through Wednesday, November 29 through December 1, at the Sheffield House, 720 West Fifth Avenue, Anchorage, Alaska and from Thursday through Sunday, December 2 through 5, 1976, in conjunction with the North Pacific Fishery Management Council in the same location.

The meetings from November 29 through December 1 will convene at 8:30 a.m. and adjourn for the day at approximately 5:00 p.m. each day.

Proposed Agenda: (1) Election of officers and organization of committee; (2) Practices and procedures; (3) Discussion of management plans and preparation.

This meeting is open to the public and there will be seating for approximately 20 public members available on a first come, first served basis. Members of the public having an interest in specific items for discussion are also advised that agenda changes are at times made prior to the meeting. To receive information on changes, if any, made to the agenda, interested members of the public should contact Mr. Jim H. Branson, National Marine Fisheries Service, P.O. Box 1668, Juneau, Alaska 99802, on or about November 23, 1976.

At the discretion of the Committee, interested members of the public may be permitted to speak at times which will allow the orderly conduct of Committee business. Interested members of the public who wish to submit written comments should do so by addressing Mr. Jim H. Branson at the above address. To receive due consideration and facilitate inclusion of the comments in the record of the meeting, typewritten statements should

be received within 10 days after close of the Committee and Council meeting.

Dated: November 11, 1976.

JACK W. GEHRINGER,
Deputy Director,
National Marine Fisheries Service.

[FR Doc.76-33629 Filed 11-11-76;8:45 am]

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

PROCUREMENT LIST 1976

Additions

Notice of proposed additions to Procurement List 1976, November 25, 1975 (40 FR 54742) of the commodity and services listed below were published in the FEDERAL REGISTER on June 18, 1976 (41 FR 24759), June 11, 1976 (41 FR 23748), and July 30, 1976 (41 FR 31933).

After consideration of all the relevant data presented, the Committee has determined that the commodity and services listed below are suitable for procurement by the Government under Public Law 92-28, 85 Stat. 77. Accordingly, they are hereby added to the Procurement List.

Class 7920

Brush, Cleaning (IB), 7920-00-051-4384.

SIC 7349

Custodial Services (SH), Building No. 2600 (chapel), Bergstrom Air Force Base, Texas. Bursting & Packaging of Commemorative Stamps (SH).

By the Committee.

C. W. FLETCHER,
Executive Director.

[FR Doc.76-33429 Filed 11-11-76;8:45 am]

Procedure List 1976

Proposed Additions

Notice is hereby given pursuant to section 2(a)(2) of Public Law 92-28; 85 Stat. 77, of the proposed additions of the following commodities to Procurement List 1976, November 25, 1975 (40 FR 54742).

Class 7510

Pocket Planning Set, 7510-00-233-7661 (1977).

Pocket Planning Set, Refill, 7510-00-173-4930 (1977).

Class 1560

Wire Bundle Assemblies, 1560-00-998-8594 BF.

If the Committee approves the proposed additions, all entities of the Government will be required to procure the above commodities from workshops for the blind or other severely handicapped.

Comments and views regarding the proposed additions may be filed with the Committee on or before December 9, 1976. Communications should be addressed to the Executive Director, Committee for Purchase from the Blind and

Other Severely Handicapped, 2009 Fourteenth Street North, Suite 610, Arlington, Virginia 22201.

This notice is automatically cancelled six months from the date of this FEDERAL REGISTER.

By the Committee.

C. W. FLETCHER,
Executive Director.

[FR Doc. 76-33429 Filed 11-11-76; 8:45 am]

COUNCIL ON ENVIRONMENTAL QUALITY **ENVIRONMENTAL IMPACT STATEMENTS** **Availability For Review**

Environmental impact statements received by the Council on Environmental Quality from November 1 through November 5, 1976. The date of receipt for each statement is noted in the statement summary. Under Council Guidelines the minimum period for public review and comment on draft environmental impact statements in forty-five (45) days from this FEDERAL REGISTER notice of availability. (December 27, 1976) The thirty (30) day period for each final statement begins on the day the statement is made available to the Council and to commenting parties.

Copies of individual statements are available for review from the originating agency. Back copies will also be available at cost, from the Environmental Law Institute, 1346 Connecticut Avenue, Washington, D.C. 20036.

DEPARTMENT OF AGRICULTURE

Contact: Coordinator of Environmental Quality Activities, Office of the Secretary, U.S. Department of Agriculture, Room 359-A, Washington, D.C. 20250, 202-447-3965.

FOREST SERVICE

Draft

Breitenbush Area, Geothermal Development, Marion, Linn, Counties, Oregon, November 3: The proposed action is the leasing of National Forest lands (Willamette and Mt. Hood National Forests) in the area known as the Breitenbush Known Geothermal Resource Area for development of geothermal resources. The Known Geothermal Resource Area and lands covered by lease applications cover a total of 44,283.20 acres. Development of the lands will be subject to controls designed to minimize adverse impacts on visual, recreational, water, wildlife, soil, timber, and mineral materials resources. (342 pages). (ELR Order No. 61590.)

DEPARTMENT OF COMMERCE

Contact: Dr. Sidney R. Galler, Deputy Assistant Secretary for Environmental Affairs, Department of Commerce, Washington, D.C. 20230, 202-967-4335.

Draft

Expo 1981, Los Angeles-Ontario Region, Calif., November 2: This statement evaluates the Ontario Motor Speedway site as the most feasible and desirable alternative under consideration by the Expo '81 Corporation for use as a Category I Universal Exposition in Southern California. The environmental impacts as discussed in this document are of three kinds (1) positive, in that human contact and the economy of the region will be enhanced; (2) no impact, in that certain existing conditions will be adapted to the

proposed Expo '81; and (3) adverse impact, in that certain conditions, present and future, may exceed some Federal and State of California standards and will require mitigation. (210 pages). (ELR Order No. 61582.)

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Supplement

Marine Mammals/Yellowfin Tuna Purse Seine Fish, November 2: Proposed is the promulgation of regulations that would authorize the issuance of a general permit to allow the take of marine mammals incidental to yellowfin tuna purse seine fishing and would replace regulations that were declared void by the U.S. District Court on May 11, 1976. This proposal includes the establishment of a quota for each of 17 stocks involved in the fishery; the prohibition on encircling pure schools of certain stocks; and the prohibition of encircling spinner dolphins and coastal spotted dolphins. (31 pages). (ELR Order No. 61581.)

DEPARTMENT OF DEFENSE

ARMY CORPS

Contact: Dr. C. Grant Ash, Office of Environmental Policy Development, Attn: DAEN-CWR-P Office of the Chief of Engineers, U.S. Army Corps of Engineers, 1000 Independence Avenue, S.W., Washington, D.C. 20314, 202-693-6795.

Draft

Bald Head Island Marina (Permit), Brunswick County, N.C., November 3: Proposed is the granting of a U.S. Army permit to the Bald Head Island Corporation for the construction of a boat marina and access facilities adjacent to the Cape Fear River at Bald Head Island, North Carolina. The project including the construction of a marina basin, service facilities, and access channel. The direct impacts of project implementation will be filling of 2.5 acres of high marsh, and alternation of dune marsh ecotone and the aesthetics of the area. (Wilmington District) (440 pages). (ELR Order No. 61583.)

Wanchese Harbor Development Project, Dare County, N.C., November 5: Proposed is the enlargement and deepening of the existing boat basin at Wanchese Harbor, North Carolina. The project consists of excavating and disposing of an estimated 295,500 cubic yards of material with a hydraulic pipeline dredge and placing it in a 38-acre diked disposal area. The enlargement will result in the loss of 50 acres of primarily irregularly-flooded marsh, loss of terrestrial and bottom fauna, and localized increases in turbidity levels. (Wilmington District) (84 pages). (ELR Order No. 61597.)

Pawtuxet River Watershed, R.I., November 3: Proposed is the construction of a 30-foot diameter diversion tunnel in rock for a distance of 13,000 feet from the Pawtuxet River to Apponaug Cove in Greenwich Bay. (This is known as the Natick Diversion.) Associated with the tunnel will be intake and outlet structures. In addition to the Natick Diversion, the Warwick Local Protection Project is proposed, which consists of a system of 2,900 feet of flood walls, 8,300 feet of dikes, and 4 street closure systems. Three pumping stations to remove interior drainage are also proposed. (New England Division) (95 pages). (ELR Order No. 61587.)

Final

Port Royal Harbor Maintenance Dredging, Beaufort County, S.C., November 3: Proposed is the maintenance dredging of a channel 27 feet deep and 500 feet wide across the ocean bar and in Port Royal Sound, a channel 24 feet deep and 300 feet wide in Beaufort River and Battery Creek, and turning basin 27 feet

deep by 600 feet wide opposite the State Ports Authority Wharf. Adverse impacts of the project include possible displacement of wildlife species, disruption of benthic invertebrates, alteration of existing vegetation in the disposal area, and possible increase in the local mosquito population. (Charleston District) (68 pages). Comments made by: EPA, DOC, DOT, HEW, USDA, DOI State and local agencies, concerned citizens. (ELR Order No. 61585.)

Green Bay Harbor, Maintenance Dredging, Wisconsin, November 3: Proposed is the continued maintenance dredging of the Green Bay Navigation Project in Green Bay, Wisconsin. According to the plan, 300,000 cubic yards of dredgings will be disposed in the "Green Bay Diked Disposal Area" through 1977. After 1977 a new site will be prepared. Adverse impacts include alteration of the sediment-water interface, destruction of pollution-tolerant organisms, resuspension of polluted sediments, and conversion of a disturbed wetland to a terrestrial environment. (Chicago District) (110 pages). Comments made by: AHP, EPA, DOI, DOC, USDA, USCG State and local agencies, concerned citizens. (ELR Order No. 61586.)

Supplement

Lake Brownwood Modification, Pecan Bayou, Brown County, Tex., November 5: Proposed is the construction of a composite or "add-on" filled embankment and protective measures for the spillway at Lake Brownwood on Pecan Bayou in Brown County, Texas. The recommended plan consists of an "add-on" embankment to be located with its axis approximately 150 feet downstream from and parallel to the axis of the existing embankment. Negative effects include loss of 383 acres of cropland, minor degradation of air, and loss of wildlife habitat and species within the construction area. (Fort Worth District) (23 pages). (ELR Order No. 61596.)

NAVY

In the FEDERAL REGISTER of October 8, 1976, the Council on Environmental Quality published a notice of availability concerning the supplement to the final environmental impact statement on the Dredge River Channel, USN Submarine Base, New London, Connecticut. It has come to the Council's attention that there has not been full distribution of the supplement. Because of this, the thirty (30) day commenting period will not begin until CEQ receives assurances from the Department of Defense that there has been full distribution of this document.

ENVIRONMENTAL PROTECTION AGENCY

Please refer to the separate notice published by EPA in this issue of the FEDERAL REGISTER for the appropriate EPA contact.

Final

Emission Standard for Vinyl Chloride, November 1: On December 24, 1975, the Administrator of the Environmental Protection Agency proposed a national emission standard for vinyl chloride under section 112 of the Clean Air Act, as amended. The proposed standard would apply to all existing and newly constructed plants in the United States which produces ethylene dichloride by the reaction of oxygen and hydrogen chloride with ethylene, vinyl chloride, and/or polyvinyl chloride. This statement contains an analysis of the proposed standard and alternative regulatory strategies. (130 pages). Comments made by: EPA, DOI, DLAB, DOC, State and local agencies, concerned groups and individuals. (ELR Order No. 61576.)

GENERAL SERVICES ADMINISTRATION

Contact: Mr. Andrew E. Kauders, Executive Director of Environmental Affairs, General Services Administration, 18th and F Streets NW., Washington, D.C. 20405. 202-343-4161.

Draft

Haines Border Station, U.S./Canada Border, Alaska, November 1: The proposed action provides for construction of a border station at the U.S./Canadian border 40 miles north of Haines, Alaska. The project includes an inspection station with attached covered primary and secondary inspection areas, two residences, a mobile home, and a small garage. The complex will provide approximately 12,900 square feet of occupiable area. Project implementation will cause the character of the land, now virtual wilderness, to be changed by construction and by the increased concentration of people at the site. The historic Pleasant Camp District will be impacted. (85 pages). (ELR Order No. 61576.)

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Contact: Mr. Richard H. Broun, Director, Office of Environmental Quality, Room 7258, 451 7th Street SW., Washington, D.C. 20410. 202-755-6308.

Draft

Route No. 23 Urban Renewal Proj., Wayne Township, Passaic County, N.J., November 3: Proposed is the funding of an Amended Loan and Grant Application for the development of 177.8 acres for commercial, industrial, office, residential, and highway uses in the Township of Wayne, N.J. Approval of the amended application in the context of the current Urban Renewal Plan (Project No. N.J. R-178) for the project will have the following impacts: degradation of water and air quality, destruction of vegetation and removal of wildlife, increased flooding, and increased social and economic burdens on the region. (240 pages). (ELR Order No. 61593.)

The following are Community Development Block Grant statements prepared and circulated directly by applicants pursuant to section 104(h) of the 1974 Housing and Community Development Act. Copies may be obtained from the office of the appropriate local chief executive. (Copies are not available from HUD).

Section 104(h)

Final

Water Distribution System, Sumter Co., Sumter County, Ala., November 1: Proposed is the installation of a distribution system to provide potable water to the area between Livingston and Gainesville in Sumter County. This system proposes initially to install approximately 14 miles of 8 inch diameter water pipe, approximately 13 miles of 6 inch diameter water pipe, approximately 5 miles of 3 inch diameter pipe, a 200,000 gallon storage reservoir, and a pumping station. Construction disruption will result. (33 pages). Comments made by: DOI, COE, EPA, HEW, USDA. (ELR Order No. 61577.)

DeKalb Co., Tenn., Water Distribution System, DeKalb County, Tenn., November 1: Proposed is the installation of 2.2 miles of 6-inch plastic potable water line in the area of U.S. 70 and S.H. 26, DeKalb County, Tennessee. The new facility will supply water for 27 families (80 persons) who presently must transport their potable water from distant sources as they cannot obtain it by drilling. Completion of the project will require appreciable rock outcropping. (6

pages). Comments made by: DOI, EPA. (ELR Order No. 61578.)

DEPARTMENT OF INTERIOR

Contact: Mr. Bruce Blanchard, Director, Environmental Project Review, Room 7260, Department of the Interior, Washington, D.C. 20240. 202-343-3891.

BUREAU OF RECLAMATION

Draft

Dolores Project, Colo., Montezuma, Dolores Counties, Colo., November 1: The proposed project involves the diversion of water from the Dolores to the San Juan River Basin, Colorado. The project would include McPhee Reservoir on the Dolores River, the smaller Monument Creek and Dawson Draw Reservoirs in the San Juan River Basin, and two major conveyance systems. An average of 126,000 acre-feet of water annually would be developed for the irrigation of 26,300 acres of supplemental service land and 35,360 acres of full service land, for municipal and industrial use, and for fish and wildlife enhancement. Adverse effects include relocation of 45 families, and the inundation of about 4,850 acres. (193 pages). (ELR Order No. 61579.)

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Environmental Affairs, U.S. Department of Transportation, 400 7th Street, S.W., Washington, D.C. 20590. 202-426-4357.

FEDERAL HIGHWAY ADMINISTRATION

Draft

Del Monte Ave., Washington St.—Monterey, Monterey County, Calif., November 3: The proposed project involves improvements, in two phases, to Del Monte Avenue in the City of Monterey, California. Phase I starts at the western terminus (Custom House tunnel) and runs four blocks to Camino El Estero. Phase II extends from Camino El Estero to Ramona Avenue near the Highway 1 freeway ramp. Project plans call for widening Del Monte Avenue, and adding travel lanes, median with turn pockets and parking lanes, and sidewalks in appropriate areas. Adverse effects include demolition, displacement of occupants, and the attraction of additional traffic. (Region 9) (80 pages). (ELR Order No. 61589.)

Pikeville-Wmsville Rd., U.S. 119, U.S. 23 to Caney B, Pike County, Ky., November 4: The proposed action is the construction of a section of highway to connect the cities of Pikeville and Zebulon in Kentucky. The 3.55-mile segment of U.S. 119 will be a 4-lane, partial controlled access section of Appalachian Development Highway Corridor "G". Known as the "Buckley Creek Corridor," it will begin at U.S. 23 and extend to Caney Branch. Negative effects include loss of land suitable for wildlife habitat, development, and agricultural uses; displacement of families and businesses; and construction impacts. (191 pages). (ELR Order No. 61594.)

Md. Route 2 & 4, New Patuxent R. Bridge—S.R. 235, St. Mary's County, Md., November 3: The proposed action entails the initial construction of a two-lane highway on new alignment from the southern approaches of the Lower Patuxent River Bridge to Maryland Route 235 in St. Mary's County. Right-of-way acquisition is proposed for an ultimate dual four-lane facility separated by a 30-foot wide grass median. The initial and ultimate facilities will provide partial control of access. Due to the rural character of the Study Area, losses in wildlife habitat and removal of vegetation would result from project construction. (100 pages). (ELR Order No. 61584.)

E. Burnside/Sandy Blvd. Traffic Improve, Multnomah County, Oreg., November 3: Proposed is the construction of traffic improvements along East Burnside Street between the Burnside Bridge and 20th Avenue, Portland, Oregon. The proposal places particular emphasis on improvements at the East Burnside/Sandy Blvd. intersection. Five alternate project plans are under consideration; total project length is 0.50 miles. Adverse effects vary subject to the alternate selected. (200 pages). (ELR Order No. 61592.)

Final

U.S. 1133 (University Avenue), Las Cruces, Dona Ana County, N. Mex., November 4: The proposed action is the widening to 4 lanes of a section of Federal Aid Secondary Route 1133 (NM 101) on University Avenue between I-10 and I-25 in Las Cruces, New Mexico. The length of the project is approximately 1.5 miles. The project will result in increased noise impact, an unspecified number of relocations, loss of trees, and air pollution during construction. (Region 6) (46 pages). Comments made by: DOI, EPA, USDA, IBWC, State and local agencies, concerned citizens. (ELR Order No. 61595.)

Supplement

Cooper River Highway, Alaska (S-1), Alaska, November 3: This statement supplements a final EIS filed with CEO in June, 1974. The purpose of this document is to comply with an agreement of compromise and settlement calling for the preparation of such a document to analyze and compare the environmental and other impacts of the several possible alternative routes of the Copper River Highway beyond Milepost 82. The three alternate routes discussed are the Tasnuna Route, the Wood Canyon Route, and the Tlekel Route. Construction of the Tlekel or Wood Canyon Routes would require both a 4(f) statement and compliance with the National Historic Preservation Act. (Region 10) (140 pages). (ELR Order No. 61591.)

U.S. COAST GUARD

Final

Rigs for US Oil Carrying Vessels & Foreign Vessels, November 1: Proposed is the amendment of the pollution prevention regulations in Title 33, Part 157, Code of Federal Regulations, by extending the present requirements to cover two additional groups of vessels: U.S. tank vessels carrying oil in foreign trade and foreign tank vessels carrying oil to or from U.S. ports. The purpose of these regulations is to control the discharge of oily mixtures and to incorporate construction requirements for new vessels. Application of the discharge criteria to these two groups of vessels will reduce operational outflows by approximately 5,760 metric tons per year. (131 pages). Comments made by: DOI, EPA, DOD, DOC, DOT, STAT, State and local agencies, concerned citizens. (ELR Order No. 61580.)

GARY L. WIDMAN,
General Counsel.

[FR Doc.76-33446 Filed 11-11-76; 8:45 am]

DEPARTMENT OF DEFENSE

Department of the Army

TRANSPORTATION OF CHEMICAL MATERIAL, FORT MCCLELLAN, ALABAMA TO ANNISTON ARMY DEPOT, ALABAMA

Negative Declaration

Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969 and part 1500.6e of the Council on

Environmental Quality Guidelines issued on August 1, 1973, the Department of the Army, U.S. Department of Defense, gives notice that an environmental impact statement is not being prepared for the transportation of Chemical Material from Fort McClellan, Alabama to Anniston Army Depot, Alabama.

The environmental assessment of this Federal action indicates that the transportation will not create significant local, regional or national impacts on the environment and that no significant environmental controversy is associated with the project. As a result of these findings, Mr. Charles R. Ford, Deputy Assistant Secretary of the Army, has determined that the preparation and review of an environmental impact statement is not needed for this transportation of chemical material.

The transportation concerns moving all chemical agents and munitions from Fort McClellan, Alabama to Anniston Army Depot, Alabama. With the 1973 phaseout of the missions of the US Army Chemical Center and School from Fort McClellan, AL, and its subsequent transfer to the US Army Ordnance Center and School, Aberdeen Proving Ground, MD, the chemical agents and munitions were declared excess to the requirements of Fort McClellan. The complete removal of all toxic chemical agent munitions from Fort McClellan, AL, also removes any possible future toxic chemical agent hazard.

The environmental assessment file is available for inspection during regular working hours at the following locations:

U.S. Department of the Army, Office of the Assistant Chief of Engineers, Environmental Office, Rm. 1E676, Pentagon, 694-1163, Washington, D.C. 20310; or
U.S. Department of the Army, Anniston Army Depot, Office of the Chief, Engineering Services Division, Building 1, Anniston, Alabama 36201.

Dated: November 9, 1976.

BRUCE A. HILDEBRAND,
Acting Deputy Assistant Secretary of the Army (Civil Works).

[FR Doc.76-33230 Filed 11-11-76;8:45 am]

Office of the Secretary

DEFENSE SCIENCE BOARD TASK FORCE ON PATRIOT VULNERABILITY ADVISORY COMMITTEE

Meeting

The Defense Science Board Task Force on PATRIOT Vulnerability will meet in closed session on 30 November, 1 and 2 December 1976, at The Johns Hopkins University Applied Physics Laboratory, Laurel, Maryland.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Director of Defense Research and Engineering on overall research and engineering and to provide long-range guidance in these areas to the Department of Defense.

The task force will provide an analysis of the PATRIOT vulnerability to current

and projected threats and provide related guidance and advice regarding R&D action considered appropriate within the Department of Defense.

In accordance with section 10(d) of Appendix I, Title 5, United States Code, it has been determined that this task force meeting concerns matters listed in section 552(b) of Title 5 of the United States Code, specifically subparagraph (1) thereof, and that accordingly this meeting will be closed to the public.

MAURICE W. ROCHE,
Director, Correspondence and
Directives OASD (Comptroller).

NOVEMBER 9, 1976.

[FR Doc.76-33290 Filed 11-11-76;8:45 am]

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

HIGH ENERGY PHYSICS ADVISORY PANEL

Meeting

NOVEMBER 9, 1976.

Pursuant to the provisions of the Federal Advisory Committee Act, the High Energy Physics Advisory Panel (HEPAP) will meet November 29 through December 1, 1976. The meeting will be held at the Stanford Linear Accelerator Center, Stanford, California, in the Orange Room of the Central Laboratory. The portion of the meeting which will be open to the public will convene from 2 p.m. to approximately 6 p.m. on November 29 and reconvene from 9 a.m. to 5 p.m. on November 30.

The Panel will consider plans for future facility recommendations; conduct discussions of the research program and development efforts at the Zero Gradient Synchrotron and evaluate these activities in view of the overall national High Energy Physics Program; review computer facilities and policies at national laboratories; examine the current status of budgets for the High Energy Physics Program at ERDA and the Elementary Particle Physics Program at the National Science Foundation; review Fermi National Accelerator Laboratory research results on charmed baryons; discuss the current status of the Positron-Electron Storage Ring Project (PEP) at the Stanford Linear Accelerator Center (SLAC); as well as review the SLAC research program.

In addition to the public sessions, two (2) executive sessions of the Panel are scheduled. The first executive session will occur at approximately 1 p.m. prior to the open session on November 29; the second will begin at approximately 10 a.m. on December 1 and continue throughout the end of the meeting at approximately 1 p.m. Topics to be discussed at these executive sessions are the future allocation of resources for operations, priorities among proposed future construction projects and other similar matters.

I have determined, in accordance with subsection 10(d) of Pub. L. 92-463 that these executive sessions will consist of

an exchange of opinions and formulation of recommendations, the discussion of which, if written, would fall within exemption (5) of 5 U.S.C. 552(b).

It is essential to close these portions of the meeting to protect the free interchange of internal views to avoid undue interference with Agency or Committee operation.

The Chairman is empowered to conduct the meeting in a manner that in his judgment will facilitate the orderly conduct of business.

With respect to public participation in the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements on the topics for discussion may do so by mailing 25 copies thereof, postmarked, if possible no later than November 19, 1976, to the Executive Secretary, High Energy Physics Advisory Panel, Dr. Ernest Coleman, Division of Physical Research, U.S. Energy Research and Development Administration, Washington, D.C. 20545. Minutes of the meeting will be kept open for 30 days for receipt of written statements for the record.

(b) Those persons submitting a written statement in accordance with paragraph (a) above may request an opportunity to make oral statements concerning the written statement, and shall set forth reasons justifying the need for such oral statements and their usefulness to the Panel. To the extent that the time available for the meeting permits, the Panel will receive oral statements during a period of not more than 30 minutes at an appropriate time, chosen by the Chairman.

(c) Requests for the opportunity to make oral statements shall be ruled on by the Chairman of the Panel, who is empowered to apportion the time available among those selected by him to make oral statements.

(d) Information as to the Chairman's ruling on requests for the opportunity to present oral statements, and the time allotted, can be obtained by a prepaid telephone call on November 24, 1976, to the office of the Executive Secretary of the Panel on (301) 353-3624 between 8:30 a.m. and 5 p.m. Eastern Time.

(e) Questions at the meeting may be asked only by members of the Advisory Panel.

(f) Seating for the public will be made available on a first-come first-served basis.

(g) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the course of the meeting, will be permitted both before and after the open portions of the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(h) Copies of minutes of public sessions will be made available for copying, following their certification by the Chairman, in accordance with the Federal Advisory Committee Act, at the U.S. Energy Research and Development Administra-

tion's Public Document Room, 20 Massachusetts Avenue, N.W., Washington, D.C., upon payment of all charges required by law.

HARRY L. PEEBLES,
Deputy Advisory Committee
Management Officer.

[FR Doc.76-33536 Filed 11-11-76;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[OPP-33000/476; FRL 643-3]

RECEIPT OF APPLICATION FOR PESTICIDE REGISTRATION

Data To Be Considered in Support of Applications

On November 19, 1973, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (39 FR 31862) its interim policy with respect to the administration of section 3(c) (1) (D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended ["Interim Policy Statement"]. On January 22, 1976, EPA published in the FEDERAL REGISTER a document entitled "Registration of a Pesticide Product—Consideration of Data by the Administrator in Support of an Application" [41 FR 3339]. This document described the changes in the Agency's procedures for implementing section 3(c) (1) (D) of FIFRA, as set out in the Interim Policy Statement, which were effectuated by the enactment of the recent amendments to FIFRA on November 28, 1975 [Pub. L. 94-140], and the new regulations governing the registration and re-registration of pesticides which became effective on August 4, 1975 [40 CFR Part 162].

Pursuant to the procedures set forth in these FEDERAL REGISTER documents, EPA hereby gives notice of the applications for pesticide registration listed below. In some cases these applications have recently been received; in other cases, applications have been amended by the submission of additional supporting data, the election of a new method of support, or the submission of new "offer to pay" statements.

In the case of all applications, the labeling furnished by the applicant for the product will be available for inspection at the Environmental Protection Agency, Room 209, East Tower, 401 M Street, SW., Washington DC 20460. In the case of applications subject to the new Section 3 regulations, and applications not subject to the new Section 3 regulations which utilize either the 2(a) or 2(b) method of support specified in the Interim Policy Statement, all data citations submitted or referenced by the applicant in support of the application will be made available for inspection at the above address. This information (proposed labeling and, where applicable, data citations) will also be supplied by mail, upon request. However, such a request should be made only when circumstances make it inconvenient for the inspection to be made at the Agency offices.

Any person who (a) is or has been an applicant, (b) believes that data he developed and submitted to EPA on or after January 1, 1970, is being used to support an application described in this notice, (c) desires to assert a claim under Section 3(c) (1) (D) for such use of his data, and (d) wishes to preserve his right to have the Administrator determine the amount of reasonable compensation to which he is entitled for such use of the data or the status of such data under Section 10 must notify the Administrator and the applicant named in the notice in the FEDERAL REGISTER of his claim by certified mail. Notification to the Administrator should be addressed to the Product Control Branch, Registration Division (WH-567), Office of Pesticide Programs, Environmental Protection Agency, 401 M St. SW, Washington DC 20460. Every such claimant must include, at a minimum, the information listed in the Interim Policy Statement of November 19, 1973.

Specific questions concerning applications made to the Agency should be addressed to the designated Product Manager (PM), Registration Division (WH-567), Office of Pesticide Programs, at the above address, or by telephone as follows:

PM 11, 12, and 13—202/755-9315
PM 21 and 22—202/426-2454
PM 24—202/755-2196
PM 31—202/426-2635
PM 33—202/755-9041
PM 15, 16, and 17—202/426-9425
PM 23—202/755-1397
PM 25—202/426-2632
PM 32—202/426-9486
PM 34—202/426-9490

The Interim Policy Statement requires that claims for compensation be filed within 60 days of publication of this notice. With the exception of 2(c) applications not subject to the new Section 3 regulations, and for which a sixty-day hold period for claims is provided, EPA will not delay any registration pending the assertion of claims for compensation or the determination of reasonable compensation. Inquiries and assertions that data relied upon are subject to protection under Section 10 of FIFRA, as amended, should be made on or before December 13, 1976.

Dated: November 4, 1976.

DOUGLAS D. CAMPT,
Acting Director,
Registration Division.

APPLICATIONS RECEIVED (OPP-33000/476)

EPA Reg. No. 1202-206, Puregro Co., 1052 W. 6th St., Los Angeles CA 90017, PUREGRO PICK-QUICK LIQUID DEFOLIANT. Active Ingredients: Sodium Chlorate 20.0%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM25

EPA Reg. No. 1202-292, Puregro Co., MALATHION SULFUR DUST 4-50. Active Ingredients: Malathion (0,0-dimethyl dithiophosphate of diethyl mercaptosuccinate) 4%; Sulfur 50%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM16

EPA Reg. No. 1202-294, Puregro Co., MALATHION SULFUR DUST 5-50. Active Ingredients: Malathion (0,0-dimethyl dithiophosphate of diethyl mercaptosuccinate) 5.0%; Sulfur 50.0%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM16

EPA Reg. No. 1421-137, Dettelbach Chemical Corp., 4181 Peachtree Rd., N.E., Atlanta GA 30319, KEM QUENCH WEED KILLER. Active Ingredients: Sodium Chlorate 6.00%; Disodium Actabate 11.00%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM25

EPA Reg. No. 1421-51, Dettelbach Chemical Corp., KEM SUPER-QUENCH NON-SELECTIVE WEED KILLER. Active Ingredients: Sodium Chlorate 18%; Sodium Metaborate, Anhydrous 6%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM25

EPA Reg. No. 1526-395, Arizona Agrochemical Co., PO Box 21537, Phoenix AZ 85036, AGRO-CHEM BRAND MALATHION 5 WITH 50% SULFUR DUST. Active Ingredients: Malathion 5.00%; Sulfur 50.00%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM16

EPA Reg. No. 1526-463, Arizona Agrochemical Co., AGRO-CHEM BRAND MALATHION 5 DUST FOR PCO'S PEST CONTROL OPERATIONS. Active Ingredients: Malathion 5.00%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM16

EPA Reg. No. 1769-36, National Chemsearch, Div. of USACHEM, Inc., 2727 Chemsearch Blvd., Irving TX 75062, NATIONAL CHEMSEARCH VEG-OUT NON-SELECTIVE. Active Ingredients: Sodium Chlorate 18.00%; Sodium Metaborate 9.00%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM25

EPA Reg. No. 1769-82, National Chemsearch, NATIONAL CHEMSEARCH CENTEX. Active Ingredients: Sodium Chlorate 18.00%; Sodium Metaborate 9.00%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM25

EPA Reg. No. 1812-20, Parramore & Griffin, PO Box 654, Valdosta GA 31601, 5% MALATHION DUST. Active Ingredients: Malathion (0,0-Dimethyl dithiophosphate of diethyl mercaptosuccinate) 5.00%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM16

EPA Reg. No. 1812-44, Parramore & Griffin, 1% MALATHION (PREMIUM GRADE) WHEAT FLOUR DUST. Active Ingredients: Malathion (0,0-Dimethyl dithiophosphate of diethyl mercaptosuccinate) 1%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM16

EPA Reg. No. 1812-120, Parramore & Griffin, 10% MALATHION DUST. Active Ingredients: Malathion (0,0-Dimethyl dithiophosphate of diethyl mercaptosuccinate) 10.00%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM16

EPA File Symbol 1990-GIG, Farmland Industries, Inc., PO Box 7305, Kansas City MO 64116, CO-OP RUELENE R INSECTICIDE. Active Ingredients: Crufomate (4-tert-butyl-2-chlorophenyl methyl methylphosphoramide) 12.2%. Method of Support: Application proceeds under 2(b) of interim policy. PM15

EPA Reg. No. 2204-12, Diamond Shamrock, Diamond Shamrock Corp., Process Chemicals Div., PO Box 2386-R, Morristown NJ

07960. NOPCOIDE N-26. Active Ingredients: Chlorothalonil (tetrachloroisophthalonitrile) 96.0%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM21

EPA Reg. No. 2342-452. Kerr-McGee Chemical Corp., Box 25861, Oklahoma City OK 73125. FASCO STORED GRAIN DUST M-1. Active Ingredients: Malathion (0,0-dimethyl dithiophosphate of diethyl mercaptosuccinate) 1%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM16

EPA Reg. No. 2393-287. Hopkins Agricultural Chemical Co., Box 684, Madison WI 53701. HOPKINS MALATHION PREMIUM GRADE 1% DUST. Active Ingredients: Malathion 1%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM16

EPA Reg. No. 2393-308. Hopkins Agricultural Chemical Co. HOPKINS 25% MALATHION WETTABLE. Active Ingredients: Malathion 25%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM16

EPA File Symbol 2393-GGI. Hopkins Agricultural Chemical Co. HOPKINS 25% MALATHION WETTABLE-R. Active Ingredients: Malathion 25%. Method of Support: Application proceeds under 2(b) of interim policy. PM16

EPA Reg. No. 3468-26. Schall Chemical, Inc., Box 862, Monte Vista and Delta Co 81144. CYTHION-SULFUR. Active Ingredients: Malathion-0,0-dimethyl dithiophosphate of diethyl mercaptosuccinate 5.0%; Sulfur 27.9%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM16

EPA Reg. No. 3885-7. Certified Laboratories, Div. of USACHEM, Inc., PO Box 2493, Fort Worth TX 76101. CERTIFIED LABORATORIES C-100 WEED KILLER NON-SELECTIVE. Active Ingredients: Sodium Chlorate 18.00%; Sodium Metaborate 9.00%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM25

EPA Reg. No. 3885-13. Certified Laboratories. CERTIFIED LABORATORIES C-795 WEED KILLER NON-SELECTIVE. Active Ingredients: Sodium Chlorate 18.00%; Sodium Metaborate 9.00%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM13

EPA File Symbol 5366-0. Conway Soap Products Co., 255 W. 79th St., Chicago IL 60620. CONWAYS DS-10. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 5%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 5%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM31

EPA Reg. No. 5887-46. Black Leaf Products Co., 867 N. State St., Elgin IL 60120. BLACK LEAF-GRASS, WEED & VEGETATION KILLER. Active Ingredients: Sodium Chlorate (NaClO3) 18.5%; Sodium Metaborate (Na2B2O4) 10.1%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM25

EPA Reg. No. 5905-2. Helena Chemical Co., Clark Tower, 5100 Poplar Ave., Memphis TN 38137. HELENA BRAND 5% CYTHION DUST. Active Ingredients: Malathion (0,0-dimethyl dithiophosphate of diethyl mercaptosuccinate) 5.0%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM16

EPA File Symbol 5905-ULA. Helena Chemical Co. HELENA BRAND CYTHION 5% DUST. Active Ingredients: Malathion (0,0-dimethyl dithiophosphate of diethyl mercaptosuccinate) 5.0%. Method of Support:

Application proceeds under 2(b) of interim policy. Application for reregistration. PM16

EPA Reg. No. 5905-87. Helena Chemical Co. HELENA BRAND 2 LB. CHLORATE DEFOLIANT-DESICCANT. Active Ingredients: Sodium Chlorate 20.0%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM25

EPA Reg. No. 5905-118. Helena Chemical Co. HELENA 3 LB. CHLORATE DEFOLIANT-DESICCANT. Active Ingredients: Sodium Chlorate 27.5%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM25

EPA Reg. No. 5905-293. Helena Chemical Co. HELENA CYTHION 25 WP. Active Ingredients: Malathion (0,0-dimethyl dithiophosphate of diethyl mercaptosuccinate) 25.0%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM16

EPA File Symbol 5905-ULL. Helena Chemical Co. HELENA 25 CYTHION WP. Active Ingredients: Malathion (0,0-dimethyl dithiophosphate of diethyl mercaptosuccinate) 25.0%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM16

EPA Reg. No. 7001-46. Occidental Chemical Co., PO Box 198, Lathrop CA 95330. BEST MAG-CHLOR DEFOLIANT. Active Ingredients: Sodium Chlorate 19.3%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM25

EPA Reg. No. 7001-157. Occidental Chemical Co. TURF DISEASE CONTROL. Active Ingredients: Chlorothalonil (tetrachloroisophthalonitrile) 2.5%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM21

EPA Reg. No. 7764-17. Heritage House Products, Inc., Famco, Inc., 300 Lake Rd., Medina OH 44256. HERITAGE HOUSE GRASS WEED PREVENTER WETTABLE POWDER. Active Ingredients: 2,3,5,6 Dimethyl Tetrachloroterephthalate 57%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM 23

EPA Reg. No. 7764-35. Heritage House Products, Inc. HERITAGE HOUSE CRABGRASS PREVENTER. Active Ingredients: 2,3,5,6 Dimethyl Tetrachloroterephthalate 5.0%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA Reg. No. 7764-43. Heritage House Products, Inc. HERITAGE HOUSE DACTHAL PLUS. Active Ingredients: 2,3,5,6 Dimethyl Tetrachloroterephthalate 2.28%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA Reg. No. 8343-2. Gabriel Chemicals Ltd., 204 21st Ave., Robbinsville NJ 08691. MALATHION 25 W. Active Ingredients: Malathion (0,0-Dimethyl Dithiophosphate of Diethyl Mercaptosuccinate) 25%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM16

EPA Reg. No. 8343-4. Gabriel Chemicals Ltd. MALATHION 4% DUST. Active Ingredients: Malathion (0,0-Dimethyl Dithiophosphate of Diethyl Mercaptosuccinate) 4%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM16

EPA Reg. No. 8343-48. Gabriel Chemicals Ltd. MALATHION 6% GRANULAR. Active Ingredients: Malathion (0,0-Dimethyl Dithiophosphate of Diethyl Mercaptosuccinate) 6%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM16

EPA File Symbol 8343-RRN. Gabriel Chemicals Ltd. MALATHION 6% G. Active Ingredients: Malathion (0,0-Dimethyl Dithiophosphate of Diethyl Mercaptosuccinate) 6%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM16

EPA Reg. No. 8343-53. Gabriel Chemicals Ltd. INSECTICIDE, MALATHION, POWDER, DUSTING. Active Ingredients: Malathion (0,0-Dimethyl Phosphorodithioate of Diethyl Mercaptosuccinate) 1%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM16

EPA File Symbol 9194-G. Christy Co., Inc., 150 Millwell Dr., St. Louis MO 63043. SWIMMING POOL ALGAECIDE. Active Ingredients: Alkyl Dimethyl Benzyl Ammonium Chloride (C14 60%, C12 25%, C16 15%) 10%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 9339-RR. Flexabar Corp., 140 Walnut St., Northvale NJ. FLEXABAR HEAVY DUTY GERMICIDE. Active Ingredients: Octyl Decyl Dimethyl Ammonium Chloride 4.50%; Dodecyl Dimethyl Ammonium Chloride 2.25%; Didecyl Dimethyl Ammonium Chloride 2.25%; Tetrasodium Ethylenediamine Tetraacetate 2.40%; Isopropyl Alcohol 3.60%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA Reg. No. 9779-66. Riverside Chemical Co., 855 Ridge Lake Blvd., PO Box 171199, Memphis TN 38117. RIVERSIDE 10% MALATHION DUST. Active Ingredients: Malathion (0,0-dimethyl dithiophosphate of diethyl mercaptosuccinate) 10%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM16

[FR Doc.76-33503 Filed 11-11-76;8:45 am]

[FRL 642-8]

MASS TRANSIT PRIORITY INCENTIVES IN THE STATE OF NEW JERSEY

Action on Employers' Programs

As a part of the air pollution control plan for the State of New Jersey, 40 CFR 52.1590, "Employer's provisions for mass transit priority incentives," requires certain employers who maintain 400 or more parking spaces available for use by their employees to submit an adequate transit incentive program designed to encourage the use by their employees of mass transit, carpooling, vanpooling, and other strategies. In two prior FEDERAL REGISTER notices, on April 21, 1975 (40 FR 17633) and on April 30, 1976 (41 FR 18079), 134 employers' programs were approved under this regulations by the Environmental Protection Agency (EPA).

On September 30, 1976 two additional transit incentive programs were submitted to EPA by the BASF Wyandotte Corporation of Parsippany, New Jersey and Nabisco, Inc. of East Hanover, New Jersey. Based on an evaluation of these programs, EPA is proposing their approval. This proposed action is subject to the condition stated in the regulation that each employer utilize that mix of incentive and disincentive measures most likely to obtain maximum use of carpooling, vanpooling, and mass transit. Although good faith efforts to comply with the regulation have been made in the past by most employers, EPA strongly reaffirms the need for continuing investi-

gation and use by each employer of all additional incentive and disincentive measures which become available.

Proper evaluation of the full effectiveness of these two approvable programs will not be possible until semiannual reports containing the information required by the regulation are submitted. Therefore, at this time, EPA must rely upon each employer's good faith claims that the programs utilize the maximum reasonable mix of carpooling and mass transit measures. If, after EPA approves the transit incentive programs, it finds from the semiannual reports that a program is not providing adequate incentive and disincentive measures, the Agency will require that additional measures be taken by the employer. In those cases where voluntary compliance is not obtained, EPA will prescribe a program and publish it in the *FEDERAL REGISTER*.

In addition to the two proposals discussed, the Otis Elevator Company of Harrison, New Jersey, which had its program approved on April 21, 1975, has presented evidence to EPA showing a reduction to below 400 in the number of employee parking spaces it provides. Therefore, the Administrator is proposing to discontinue this program.

This notice is issued to advise the public that comments may be submitted on or before December 13, 1976, on whether the proposed employer incentive programs should be approved, as required by section 110 of the Clean Air Act. Only comments received on or before the end of the 30-day public comment period hereby established will be considered. The Administrator's decision to approve or disapprove the proposed incentive programs will be based on whether they meet the requirements of 40 CFR 52.1590.

Copies of the proposed employer programs are available for public inspection during normal business hours at the Office of Public Affairs, EPA, Region II, 26 Federal Plaza, New York, New York 10007. Additional copies are available at the Public Information Reference Unit, 401 M Street, S.W., Washington, D.C. 20460. All comments should be addressed to the Regional Administrator, Environmental Protection Agency, Region II, 26 Federal Plaza, New York, New York 10007.

Dated: October 29, 1976.

ERIC B. OUTWATER,
Acting Regional Administrator,
Environmental Protection Agency.

[FR Doc.76-33502 Filed 11-11-76;8:45 am]

[FRL 642-7; OPP-180099]

OHIO DEPARTMENT OF AGRICULTURE Crisis Exemption To Use DDT To Control Rabid Bats

Pursuant to the provisions of section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 89 Stat. 751; 7 U.S.C. 136(a) et seq.), the Environmental Protection Agency (EPA) gives notice that the Ohio Department of Agriculture

(hereafter referred to as "Ohio") has availed itself of a crisis exemption for the use of a DDT 75% wettable powder to control rabid bats in Wood County, Ohio. This exemption is subject to the provisions of §§ 166.2, 166.8, and 166.9 of 40 CFR Part 166. These regulations concerning exemption of Federal and State agencies for the use of pesticides under emergency conditions were published in the *FEDERAL REGISTER* on December 3, 1973 (38 FR 33303). As required, Ohio has submitted in writing the following certified information.

According to Ohio, a bat rabies problem erupted in the State in late August 1976, with fifteen (15) rabid bats being reported by laboratory confirmation between August 20-26. A total of thirty-one animal rabies cases (all species) have been reported during the current calendar year in Ohio, with bats accounting for twenty-two (22) of this number. Most of the bat cases have been scattered with single cases at a given location around affected counties. The exceptions were five rabid bats found in a single warehouse in the village of Cygnet, Ohio, in Wood County. An elementary and junior high school are located within 200 yards of the warehouse, and several residences are even closer.

The problem came to light about August 24, 1976, when an attempt was made to clean out the north end of the warehouse. It was noted that large deposits of bat droppings were concentrated in many areas of the warehouse floor; dead bats could be seen around the building. The Wood County Health Department was contacted after residents of the village in the area of the warehouse complained of numerous bats flying about their premises; no episodes involving unprovoked attacks were reported, but the bats were obvious by their numbers and by frequently flying near people. A sanitarian from the County Health Department collected seven bat carcasses from the warehouse. Tests performed on August 27 at a laboratory indicated that five of the seven bats were positive for rabies. Six other rabid bats were detected during the previous nine days in various other counties. As a result of the laboratory findings and the obvious threat to public health, the building was put under surveillance. The Wood County Health Department requested aid and consultation from the Ohio Department of Health, which in turn, requested assistance from the Fish and Wildlife Service of the U.S. Department of the Interior; Ohio has a contract agreement with the Fish and Wildlife Service to furnish services involving control of certain wildlife reservoirs of zoonotic diseases. Additionally, the center for Disease Control, U.S. Department of Health, Education, and Welfare, and other concerned agencies were consulted.

No pesticide registered for this particular use to eradicate or control the rabid bats was readily available; the time element was so critical that there was no time to request a specific exemp-

tion. The decision was made to use DDT, since Ohio felt that repellents would simply move potentially rabies-incubating bats to other nearby structures.

The building treated was a warehouse 50 by 100 feet made of tile block with side walls approximately 12 feet high. The tile blocks are hollow, which offered easy access for bats deep inside the side walls. Treatment was made on September 8, 1976, by a representative of the Fish and Wildlife Service, with assistance from several Wood County Health Department and Ohio Department of Health employees. Broken windows, faults in the wall and other openings were sealed as securely as possible. Approximately 4 pounds of DDT 75% wettable powder was applied as a tracking powder by use of a foot pump duster. Experienced applicators wearing respirator masks and protective clothing performed the treatment.

Warning placards furnished by the Fish and Wildlife Service were placed on the warehouse noting that it was quarantined until further notice. Both doors were locked. Special warning was broadcast by radio and T.V. and announced in local schools to avoid picking up or approaching any sick or toxic bats found in the area. The village had earlier been warned about the hazards of rabid bats in general. The warehouse was kept under surveillance after the treatment; some bats escaped, while other were found dead inside. Five of the escaping bats were captured and identified as Little Brown bats (*Myotis lucifugus*). These particular five bats were examined for rabies and proved to be negative.

The official file concerning this exemption is available for inspection in the Registration Division (WH-567), Office of Pesticide Programs, EPA, Room E-315, 401 M St., S.W., Washington, D.C. 20460.

Dated November 5, 1976.

DOUGLAS D. CAMPT,
Director, Registration Division.

[FR Doc.76-33501 Filed 11-11-76;8:45 am]

[FRL 643-4]

VINYL CHLORIDE EMISSION STANDARD Availability of Final Environmental Impact Statement

Pursuant to the EPA procedures for the Voluntary Preparation of Environmental Impact Statements (39 FR 37419), the Environmental Protection Agency has prepared a final environmental impact statement (FEIS) for the Promulgated Emission Standard for Vinyl Chloride.

EPA decided to regulate vinyl chloride because it has been implicated as the causal agent of angiosarcoma and other serious disorders, both carcinogenic and noncarcinogenic, in people with occupational exposure and in animals with experimental exposure to vinyl chloride. Reasonable extrapolations from these findings cause concern that vinyl chloride may cause or contribute to the same or similar disorders at present ambient

air levels. The purpose of the standard is to minimize vinyl chloride emissions from all known process and fugitive emission sources in ethylene dichloride-vinyl chloride and polyvinyl chloride plants to the level attainable with best available control technology. This will have the effect of furthering the protection of public health by minimizing the health risks to the people living in the vicinity of these plants and to any additional people who are exposed as a result of new construction.

This FEIS was transmitted to the Council on Environmental Quality (CEQ) on November 1, 1976. These standards became effective upon promulgation in the FEDERAL REGISTER of October 21, 1976 (41 FR 46560).

Copies of the FEIS are available for review and comment from: Public Information Center (PM-215), Environmental Protection Agency, Washington, D.C. 20460.

Copies of the FEIS are available for public inspection at the following location:

Environmental Protection Agency, Public Information Reference Unit, Room 2922, Waterside Mall, 401 M Street, S.W., Washington, D.C. 20460.

Information copies of the FEIS are available at cost from the Environmental Law Institute, 1346 Connecticut Avenue, N.W., Washington, D.C. 20036.

Copies of the FEIS have been sent to various Federal, State, and local agencies and interested individuals who made substantive comments on the draft EIS as outlined in the CEQ guidelines or requested a copy of the FEIS.

Dated: November 8, 1976.

WILLIAM DICKERSON,
Acting Director,
Office of Federal Activities.

[FR Doc.76-33504 Filed 11-11-76; 8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 20921-20924; File Nos. BPH-9292, etc.]

ATLANTIC BROADCASTING ASSOCIATES, ET AL.

Construction Permits; Hearing

In re Applications of: Ramiro Agosto, Stephen H. Pauli, and George M. Arroyo d.b.a. Atlantic Broadcasting Associates, Vero Beach, Florida, requests 105.5 MHz, Channel No. 288; 3 kW; 300 feet (Docket No. 20921, File No. BPH-9292); Robert T. Rowland, Vero Beach, Florida, requests 105.5 MHz, Channel No. 288; 3 kW; 300 feet (Docket No. 20922, File No. BPH-9342); Custom Electronics, Inc., Vero Beach, Florida, requests 105.5 MHz, Channel No. 288; 3 kW; 300 feet (Docket No. 20923, File No. BPH-9360); Shargo, Inc., Vero Beach, Florida, requests 105.5 MHz, Channel No. 288; 3 kW; 172 feet (Docket No. 20924, File No. BPH-9416) for construction permits.

Adopted: October 18, 1976.

Released: November 4, 1976.

1. The Commission, by the Chief of the Broadcast Bureau acting pursuant to delegated authority, has before it the above-captioned applications of Atlantic Broadcasting Associates, Robert T. Rowland, Custom Electronics, Inc., and Shargo, Inc., which are mutually exclusive in that they seek the same FM broadcast channel in Vero Beach, Florida.

2. Data on file indicates that there would be a significant difference between the areas and populations which would receive service from the Shargo, Inc. proposals and the proposals of the other three applicants. Consequently, for the purposes of comparison, the areas and populations which would receive FM service of 1 mV/m or greater intensity, together with the availability of other primary aural services in such areas will be considered under the standard comparative issue, for the purpose of determining whether a comparative preference should accrue to any of the applicants.

3. Analysis of Robert T. Rowland's financial data shows that \$106,233 will be required to construct and operate the proposed station for one year, without revenue, itemized as follows:

	Dollars
Down payment on equipment.....	2,444
First year payments on equipment with interest.....	31,787
Land.....	2,100
Building.....	1,800
Miscellaneous.....	7,451
Loan repayment with interest.....	5,000
First year working capital.....	55,671
Total.....	106,233

Robert T. Rowland has shown the availability of cash and/or liquid assets in excess of current liabilities of \$38,687² and a bank loan of \$50,000. Therefore, since applicant has shown the availability of only \$88,687 to meet a \$106,233 requirement, a financial issue will be specified.

4. On January 10, 1974, the Commission granted the 1973 renewal application of Station WQIK-FM, licensed to Rowland Broadcasting Company, Inc., of which Robert T. Rowland is Vice-President and General Manager, subject to the condition that the licensee submit to the Commission, concurrent with the filing of its 1974 and 1975 annual employment reports (FCC Form 395), a detailed statement on the affirmative action undertaken to seek and encourage

¹ The applicants indicate in section V-B of their applications that the areas (in square miles) and populations, respectively, their proposals would serve would be as follows: (i) ABA: 381; 75,179; (ii) Rowland: 358; 73,985; (iii) CEI: 380; 74,638; and, (iv) Shargo: 204; 26,300.

² Rowland lists as part of his current assets a piece of property owned in partnership which he values at \$5,000 and indicates that certain boats owned by him will be disposed of reducing current liabilities by \$2,600. However, no information has been supplied supporting these figures; and, even if applicant had shown the availability of this \$7,600, he would be short of his financial requirement by almost \$10,000.

minority and women applicants for each job opening filled during each twelve (12) month period preceding the pay period covered by the filing of the station's 1974 and 1975 annual employment reports, with minority and female persons designated. In the Matter of Inquiry into the Employment Policies and Practices of Certain Broadcast Stations located in Florida, 44 FCC 2d 735, 29 RR 2d 285 (1974). As the Commission has no indication that Robert T. Rowland has yet complied with this reporting requirement for 1975 an appropriate issue will be specified.

5. Custom Electronics, Inc. has failed to comply with requirements of the Primer, supra. While the obligation to ascertain the needs and interests of other areas is not as great as that of the community of license, and no survey of the general public in areas outside of the community of license is required, questions and answers 6 and 7 of the Primer clearly require that consultations with community leaders outside the specified community be made. United Broadcasting Co., FCC 76R-113, released April 23, 1976, 36 RR 2d 1556; Eastern Broadcasting Company, 50 FCC 2d 599, 32 RR 2d 601 (1975). From the information before us it appears that Custom Electronics, Inc. has interviewed only four people from outside Vero Beach despite the fact Custom Electronics, Inc. proposes secondary service to surrounding areas of Indian River County.³ In addition, while Custom Electronics, Inc. proposes to place a city-grade signal over the town of Ft. Pierce, population 29,721 compared to Vero Beach's 11,908, it does not appear that any leaders from this town have been interviewed.

6. Custom Electronics, Inc. requests a waiver of section 73.315 of the Commission's rules while requires that a transmitter site be chosen so that a minimum field strength of 3.16 mV/m (70 dBu) will be provided over the entire principal community to be served. Considering the de minimis nature of the failure to provide a city-grade signal to all of Vero Beach (fewer than 24 homes are situated outside the proposed 3.16 mV/m contour), we see no reason why the matter should be explored in hearing.

7. Analysis of Custom Electronics, Inc.'s financial data shows that \$76,745 will be required to construct and operate the proposed station for one year, without revenue, itemized as follows:

	dollars
Equipment.....	30,413
Building and tower lease.....	3,432
Miscellaneous.....	5,000
Interest on bank loan.....	6,000
First-year working capital.....	31,900
Total.....	76,745

Custom Electronics, Inc. plans to finance construction and operation with the following funds: cash on hand or in banks, \$500; loan from banking institu-

³ CEI has interviewed the Mayor of Indian River Shores, and three residents of Gifford, two of whom would not be expected to have a broad overview of community problems.

tion, \$75,000. Therefore, since Custom Electronics, Inc. has shown the availability of only \$75,500 to meet a \$76,745 requirement, a financial issue will be specified.

8. Shargo, Inc. has failed to comply with the requirements of the Primer, supra. While the applicant indicates in its amendment of February 9, 1976 that communities to be served include Winter Beach, Wabasso, Gifford and Indian River Shores, it appears that the officers and directors of Shargo, Inc. have interviewed only one individual, the former Mayor of Indian River Shores, who is not from the proposed community of license. In addition, it appears that Shargo, Inc. has not contacted leaders of all significant groups in Vero Beach. Shargo, Inc.'s ascertainment survey contains no indication that acceptable interviews were conducted with representatives of labor, recreation, and the elderly and retired.⁴

9. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, because the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

10. Accordingly, it is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine with respect to Robert T. Rowland:

(a) The source and availability of additional funds over and above the \$88,687 indicated;

(b) Whether, in light of the evidence adduced pursuant to (a) above, the applicant is financially qualified.

2. To determine with respect to Robert T. Rowland:

(a) Whether Robert T. Rowland has complied with the reporting requirement imposed by the Commission on January 10, 1974;

(b) And, if not, the effect of this on the applicant's basic and/or comparative qualifications.

3. To determine the efforts made by Custom Electronics, Inc. to ascertain the public's needs and interests in the following respects:

(a) Whether Custom Electronics, Inc.'s showing omits consultations with leaders who can be expected to have a broad overview of problems of communities in the proposed service area.

4. To determine with respect Custom Electronics, Inc.:

(a) The source and availability of additional funds over and above \$75,500 indicated;

⁴ The amendment of February 9, 1976, indicates that additional consultations were held with representatives of manufacturing, labor and students; as there is no statement indicating by whom these interviews were conducted, however, they are not acceptable.

(b) Whether, in light of the evidence adduced pursuant to (a) above, the applicant is financially qualified.

5. To determine the efforts by Shargo, Inc., to ascertain the public's needs and interests in the following respects:

(a) Whether Shargo's Inc.'s showing omits consultations with leaders of significant groups in the community and leaders who can be expected to have a broad overview of problems of communities in the proposed service area.

6. To determine which of the proposals would, on a comparative basis, better serve the the public interest.

7. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

11. It is further ordered, That to avail themselves of the opportunity to be heard, the applicants and parties respondent herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney shall, within twenty (20) days of the mailing of this Order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

12. It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

FEDERAL COMMUNICATIONS
COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.76-33439 Filed 11-11-76; 8:45 am]

[Docket No. 20988; FCC 76-1025]
**CABLE TELEVISION SYNDICATED
PROGRAM EXCLUSIVITY RULES
Inquiry**

Adopted: November 4, 1976.

Released: November 5, 1976.

In the matter of Cable Television Syndicated Program Exclusivity Rules, Docket No. 20988, RM-2721.

1. Notice of Inquiry is hereby given concerning the amendment of §§ 76.151 through 76.161 of the Commission's Cable Television rules. These provisions deal with the protection of syndicated programming carried by cable television systems on distant signals. A combination of factors have convinced us that it is an appropriate time to review the purpose, effect, and desirability of these rules. It has been almost five years since their adoption and we are now in a position to evaluate them. Furthermore, as more fully set out below, both the broadcasting industry and the cable television indus-

try have filed pleadings with the Commission asking for major changes in the rules. Finally, the long awaited copyright revision has been enacted and for the first time imposes copyright liability on cable television systems for importation of distant signals. The "Cable Television Report and Order," 36 FCC 2d 143 (1972) expressly recognized that our regulatory pattern must evolve as the cable industry evolves and as the forces affecting cable change. We have now reached a point that calls for us to step back and reassess our syndicated exclusivity rules.

2. The rules at issue generally afford protection to major market television stations against programming carried on distant stations on cable systems within their market (35-mile specified zone). In the first fifty major television markets cable exclusivity protection lasts as long as the station has exclusive presentation rights in its market. In addition they provide certain direct protections for copyright holders by prohibiting carriage of a syndicated program on distant stations for one year after it is first syndicated even if no local station has rights to exhibit it. In the second fifty markets similar protection is afforded but it expires at the end of a specified time period or on the occurrence of a specified event (see § 76.151(b)). The time periods in which exclusivity protection can be demanded are:

(1) For off-network series, commencing with first showing until first run completed, but no longer than one year;

(2) For first-run syndicated series, commencing with first showing and for two years thereafter;

(3) For feature films and first-run, non-series syndicated programs, commencing with availability date and for two years thereafter; and

(4) For other programming commencing with purchase and until day after first run, but no longer than one year. Unlike network program exclusivity, where simultaneous protection is afforded, the hour or day of a syndicated program's telecast will not usually have a bearing on whether program exclusivity should be granted to a major market television station. The one exception, codified in § 76.151(b)(1), provides that a distant syndicated program telecast in prime time need not be deleted if the market station seeking protection does not broadcast the program in prime time. In accordance with § 76.161 of the rules, syndicated exclusivity protection is not required of cable systems serving fewer than 1000 subscribers. A grandfathering provision, § 76.159, provides that cable systems need not delete syndicated programming on signals carried prior to March 31, 1972. Also grandfathered were the rights of some television stations to the non-network program exclusivity which they enjoyed prior to March 31, 1972. See § 76.99 of the rules.

3. In June of this year the National Association of Broadcasters filed a Petition for Rulemaking (RM-2721) request-

ing amendment of the syndicated exclusivity rules. It proposes that the Commission require the same protection in the second fifty and smaller television markets that is presently required in the top fifty television markets. The Petition further proposes that the geographic zone of protection in the smaller markets be set at 55 miles from the reference point of the station.¹ The comments filed in response to the Petition included support by television stations as well as pleas for even more restrictions. The National Cable Television Association argued on the other hand for abolition of the syndicated exclusivity rules now that the Congress has imposed copyright liability for carriage of the distant programming to which these rules apply.

4. *History.* When the Commission first adopted rules for the regulation of cable television in 1965, it provided protection during a 30-day period for a "station's exclusivity as a program outlet" if that station placed at least a predicted Grade B contour over a cable system. (See former §§ 91.559(e) and 21.712(e) of the Commission's rules.) A proviso eliminated the need to protect non-network programming if equal or higher priority signals from other markets were also carried on the system. "First Report and Order in Docket 14895," 38 FCC 683, 720 (1965). In 1966, in its "Second Report and Order," 2 FCC 2d 725, the Commission dropped the non-network proviso and afforded, on request, same day program exclusivity protection on all cable systems to a higher priority station's programs simply on the basis of its signal contour priority. Such "non-duplication" protection was applied equally to a station's network and syndicated programming.

5. On August 5, 1971, the Commission sent to Congress a "Letter of Intent" describing its proposals for the regulation of cable television. It indicated that non-network programming would not be protected except as a possible remedial measure in individual cases. The letter led to intensive efforts to obtain a consensus among all interested parties on what cable television rules should be adopted. This resulted in what has come to be known as the Consensus Agreement. The principal addition it made to the program set forth in the August 5th "Letter of Intent" was in requiring protection of syndicated programming. The Commission adopted the proposal outlined in the Consensus Agreement in its "Cable Television Report and Order," supra.

6. Several petitions for reconsideration of the 1972 "Cable Television Report and Order," supra,² asked that syndicated exclusivity protection be extended to smaller stations. The Commission, at that time, was not persuaded by the arguments made for such an extension and

retained the rules in the top 100 markets only.³

7. As we indicated at the outset, we believe this is an appropriate time to begin a thorough review of all aspects of these rules with a view toward determining if changes should be made in them. We are, therefore, through the institution of this proceeding requesting comment from all interested parties on all aspects of the rules, the underlying policy foundations for them, the need for them, their practical effect on the television broadcast, cable television, and program production industries and most importantly their effect on the television viewing public including both viewers who are cable subscribers and those who are not. We are hopeful that the public and the industries involved can supply valuable information in their comments. We are especially interested in specific factual data as to the present and future impact of these rules. In an attempt to define our concerns and guide the efforts of commenting parties, we have listed below some of the questions which we believe to be relevant to our deliberations. Naturally, we are not limiting commenting parties to responding to these questions. Any relevant comments will be given full consideration.

A. If there were no cable television syndicated program exclusivity protection for television broadcast stations, how would this affect their ability to serve the public in those areas they are licensed to serve?

B. The 1972 rules were based on the assumption that it was in the public interest to foster the growth of cable television in the major markets through the carriage of distant signal programming so long as the service provided to the public by local broadcast stations was not thereby adversely affected. Does experience under the syndicated exclusivity rules since 1972 indicate that these objectives are being accomplished?

² Paragraph 39 of the Reconsideration of the Cable Television Report and Order contained the following statement:

We have not provided syndicated program exclusivity for smaller market stations and, on reconsideration, are not persuaded to now do so. Distant signal importation in these markets is severely limited—only one distant independent signal may be imported. It may well be that this limitation will impede significant new cable construction in smaller markets. But we have determined that smaller markets can least withstand additional signal importation, and have fashioned our rules accordingly. To add syndicated exclusivity protection would make these markets even less desirable for new cable construction. The primary consideration, however, is whether syndicated program exclusivity is needed in smaller markets. We think it is not. Certainly, it is of only marginal benefit to copyright holders who derive the substantial bulk of their revenues from the top markets. And we believe that network exclusivity will afford sufficient protection to stations in smaller markets.

C. What has been the experience with the existing rules? In what markets are rights under the rules being exercised? If rights under the rules are not being exercised, why is this the case? What, if any, compliance problems have been encountered by television broadcast stations and cable television systems? What has been the experience with the requirements of § 76.151(a) which affords certain rights (commonly called pre-sale rights) directly to program owners? In what markets and with respect to what types of programs are these rights being exercised? What has been the actual cost of compliance with the rules by systems subject to them (with over 1000 subscribers)?

D. The rules permit a cable operator to bring in additional programs to replace those deleted under the rules and thus maintain full channels of distant signal programming. What difference, if any, in fractionalization impact results from cable carriage of "substitute" programming (offered when syndicated protection is being afforded) as opposed to cable carriage of a syndicated program otherwise subject to deletion?

E. To what extent are cable television systems exercising their right to insert non-protected programs on channels where syndicated exclusivity protection is being afforded? Explain the economic and technical considerations presented in this substitution process.

F. With cable television syndicated program exclusivity protection does the viewing public lose diversity of programming? Of what significance is "time diversity" in syndicated program protection on cable television systems? To what extent does the "prime time" exception in the rules for the second 50 markets serve these time diversity considerations? Does the public gain diversity by the cable system's carriage of "fill-in" programming during times when protection is being afforded?

G. Explain (in terms of the number and the time of day) the kinds of syndicated exclusivity deletions which are typically required. Which portions of the day, if any, are affected more than others? How do the patterns of deletion vary in different markets?

H. To what extent, if any, do the syndicated program exclusivity rules adversely affect cable television penetration and system construction in new communities?

I. To what extent is the public aware of syndicated program exclusivity protection? How does this awareness, if any, affect their decision to subscribe to cable television?

J. Describe the value of syndicated program exclusivity protection to network affiliated stations and to independent stations. Explain any differences in these values.

K. Is it possible to estimate audience loss from a program due to its being shown on another station at a different

¹ The present syndicated exclusivity rules use a 35 mile zone.

time. To what extent is the potential audience the same for a program shown in the afternoon as for the same program shown in the evening? Is a rule based on protection of a program's audience feasible?

L. Is there a need for syndicated program exclusivity in smaller markets?

M. Assess the functional relationship, if any, between the cable television syndicated program exclusivity rules and the non-network territorial exclusivity provisions of § 73.658(m) of the rules.

N. What changes are taking place in the production and distribution of television programming of all types due to economic and marketing changes unrelated to the growth of cable television? Is the pool of feature films, series, and other programs that are available for television broadcast increasing or decreasing? Do any changes in the amount or types of programming produced and made available for syndication tend to exacerbate or ameliorate any problems associated with cable television distant signal carriage?

O. What effect do the syndicated exclusivity rules have on the production and availability of syndicated programming?

P. What are the patterns of syndicated program sales and how are they relevant to the syndicated program exclusivity rules? Are the same programs typically sold in all markets? How do program purchasing practices vary between types of stations, network and independent, and between types of markets, top 50, second 50, smaller? Does the size of the market effect the types of programming purchased or the price paid for the product or both?

Q. Is there any evidence that existence of the syndicated exclusivity rules affects the price of programming in individual markets? Does it affect whether some programs are sold at all? Does it affect the programs a station chooses to buy?

R. Are there any special industry marketing practices that should be considered in this proceeding, such as, for example, in which markets programming is sold first? Can these practices adapt in the marketplace to changes in our rules?

S. What is the nature of contracts in top 50 markets that provide the basis for run-of-contract protection? How long do film contracts run? How many showings in how many years? Do some of the contracts provide for showings only during certain hours of the day? Do contracts provide for exclusivity against cable? If so, what are these provisions and how are they currently being applied?

T. The newly enacted Copyright Law contains the following provision:

(c) In the event of any change in the rules and regulations of the Federal Communications Commission with respect to syndicated and sports program exclusivity after April 15, 1976, the rates established by section 111(d) (2) (B) may be adjusted to assure that such rates are reasonable in light of the changes to such rules and regulations, but any such adjustment shall apply only to the affected television broadcast signals carried on those systems affected by the change.

How should this affect our deliberations.

8. Naturally, our direct concern in this proceeding is the effect of syndicated exclusivity protection on the viewing public and the overall public interest. Each of the three industries involved has a direct effect on the viewing public and it is this effect that we are trying to measure and evaluate. We intend to give full consideration to many possible courses of action including:

a. Deletion of the syndicated exclusivity rules;

b. Expansion of the rules along the lines NAB has suggested;

c. Requiring protection only for independent stations;

d. Protecting programs only when the competing station offers the program during the same "day-part";

e. Limiting protection to the smaller market stations;

f. Retaining the present rule.

Comments are invited as to what specific action the Commission should take. We are by no means limiting our consideration to the above possibilities and additional suggestions are welcome.

9. While we recognize the complexity of the issues in this proceeding, we want to emphasize that a long drawn out proceeding delaying any decision is not contemplated. We intend to hold as closely as possible to the time frame set out herein for comments and reply comments. If after receipt of the comments responding to this inquiry the Commission decides that a rule change is in order, we intend to promptly issue the appropriate notice of proposed rulemaking. Our goal would be to terminate that proceeding and adopt any appropriate amendments by January 1, 1978. This is a matter that deserves prompt and expeditious handling and this deadline does not seem unreasonable.

10. Authority for the inquiry herein is contained in section 4(i) and (j), 303, 307 and 403 of the Communications Act of 1934, as amended.

11. All interested persons are invited to file written comments on or before February 14, 1977 and reply comments on or before March 16, 1977. Relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching a decision in this matter, the Commission may take into account any other relevant information before it, in addition to the comments invited by this notice.

12. In accordance with the provisions of § 1.419 of the Commission's rules, an original and 11 copies of all comments, replies, pleadings, briefs, or other documents filed in this proceeding shall be furnished to the Commission. Copies of all responses will be available for public inspection during regular business hours in the Commission's Docket Reference Room (Room 239) at its Headquarters in Washington, D.C. (1919 "M" Street, N.W.).

FEDERAL COMMUNICATIONS
COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc. 76-33437 Filed 11-11-76; 8:45 am]

[Report No. 831]

COMMON CARRIER SERVICES INFORMATION

Applications Accepted for Filing

NOVEMBER 8, 1976.

The applications listed herein have been found, upon initial review, to be acceptable for filing. The Commission reserves the right to return any of these applications, if upon further examination, it is determined they are defective and not in conformance with the Commission's Rules and Regulations or its policies.

Final action will not be taken on any of these applications earlier than 31 days following the date of this notice, except for radio applications not requiring a 30 day notice period (See section 309(c) of the Communications Act), applications filed under Part 68, applications filed under Part 63 relative to small projects, or as otherwise noted. Unless specified to the contrary, comments or petitions may be filed concerning radio and Section 214 applications within 30 days of the date of this notice and within 20 days for Part 68 applications.

In order for an application filed under Part 21 of the Commission's Rules (Domestic Public Land Mobile Radio Service) to be considered mutually exclusive with any other such application appearing herein, it must be substantially complete and tendered for filing by whichever date is earlier: (a) the close of business one business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which the subsequent application is in conflict) as having been accepted for filing. In common carrier radio services other than those listed under Part 21, the cut-off date for filing a mutually exclusive application is the close of business one business day preceding the day on which the previously filed application is designated for hearing. With limited exceptions, an application which is subsequently amended by a major change will be considered as a newly filed application for purposes of the cut-off rule. (See §§ 1.227(b) (3) and 21.30(b) of the Commission's Rules.)

FEDERAL COMMUNICATIONS
COMMISSION,
VINCENT J. MULLINS,
Secretary.

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE:

20136-CD-P-77, Continental Telephone Company of Illinois (KSJ624), C.P. for additional facilities to operate on 152.81 MHz to be located at a new site described as Loc. #2; Near intersection of 3rd Street & Rt. 38, DeKalb, Illinois.

20137-CD-P-77, Collins Radio Communications Corp. (KWT999), C.P. to relocate facilities operating on 454.075 MHz (Control) to be located 141 N. Durbin, Casper, Wyoming.

20138-CD-MP-77, The Medical Dental Bureau, Inc. (KLF512), C.P. to replace transmitters operating on 454.050, 454.150 and 454.500 MHz located at Mable Street, Youngstown, Ohio.

20139-CD-P-77, Radiotelephone Company of Indiana, Inc. (KSA811), C.P. to change

- antenna system operating on 152.03 and 151.15 MHz located at 401 North Pennsylvania Street, Indianapolis, Indiana.
- 20140-CD-P-77, Mountain Home Telephone Company, Inc. (KLB773), C.P. to relocate facilities change antenna system and replace transmitter operating on 152.66 MHz to be located at 5th and Baker Streets, Mountain Home, Arkansas.
- 20141-CD-AL-(5)-77, William L. Eisele, d/b as Lake Shore Communications Consent to Assignment of License from William L. Eisele, d/b as Lake Shore Communications, Assignor to South Shore Radio-Telephone, Inc., Assignee. Station: KJU804 and KUC-931, Laporte, Indiana; KTS281 and KQZ707, South Bend, Indiana; KJSJ818, Valparaiso, Indiana.
- 20142-CD-P-77, Radiopaging, Inc. (KIE367), C.P. to relocate facilities operating on 43.58 MHz to be located 20301 West Country Club Drive, N. Miami Beach, Fla. (Loc. #1).
- 20143-CD-P-77, Range Corporation (KUC-992), C.P. for additional facilities to operate on 152.06 MHz to be located at Morgan, Michigan 4 miles SW of Marquette, Michigan.
- 20144-CD-MP-77, Empire Mobilcomm Systems, Inc. Modification of C.P. to change antenna system and replace transmitter and change frequency from 75.92 MHz to 459.15 MHz (Loc. #1 Repeater); 12 miles NNE of Klamath Falls, Swan Lake Point; 72.42 MHz to 454.15 MHz (Control Loc. #2); Plum Hill, 1 mile SE of Klamath Falls, Oregon.
- 20145-CD-P-77, Airsignal International of Pittsburgh, Pennsylvania, Inc. (KGA805), C.P. to change antenna system operating on 35.22 MHz (Loc. #4) located 0.3 mile N. of Leechburg and Logans Ferry Roads, Logans Ferry, Pennsylvania.
- 20146-CD-P-77, William G. Bowles Jr. d/b as Mid-Missouri Mobilphone (New), C.P. for a new station to operate on 152.09 MHz to be located 1 mile S.E. Kirksville off Highway #6, Kirksville, Missouri.
- 20147-CD-P-77, Swartley Radio Paging, Inc. (New), C.P. for a new 1-way station to operate on 43.23 MHz to be located at 120 West Michigan Avenue, Jackson, Michigan.
- 20148-CD-P-77, Aircall Communications, Inc. (KJSJ823), C.P. to replace transmitter operating on 152.12 MHz located at 990 North Water Street, Decatur, Illinois.
- 20149-CD-MP-77, Anser-Phones, Inc. d/b as Autophone of San Antonio (KKJ451) Modification of C.P. for additional facilities to operate on 454.350 MHz to be located NE corner of North Main and East Myrtle Street, San Antonio, Texas.
- 20150-CD-P-77, Arrowhead Mobile Telephone Co. (KJ901), C.P. for additional facilities to operate on 152.21 MHz at Loc. #1: 1306 Windsor Avenue, Duluth, Minnesota.
- 20151-CD-P-77, Phone Depots, Inc. d/b as Mobilphone Radio System (KEA254), C.P. for additional facilities to operate on 152.21 MHz to be located at a new site described as Loc. #7: 38-42 South Broadway, White Plains, New York.
- 20152-CD-P-77, Pacific Northwest Telephone Company (KOF333), C.P. to relocate facilities, change antenna system and replace transmitter operating on 152.57 and 152.60 MHz to be located at 220 Tacoma Avenue South, Tacoma, Washington.
- 20153-CD-P-77, Illinois Consolidated Telephone Company (KJSJ763), C.P. for additional facilities to operate on 152.66 MHz to be located 1.1 Miles North of 5th and Dewitt Streets, Mattoon, Illinois.
- 20154-CD-(2)77, Radio Dispatch, Inc. (KJU-811), C.P. to relocate facilities, change antenna system and replace transmitter operating on 454.150 MHz (Base) and 72.18 MHz (Repeater) to be located 1.3 miles S.E. of intersection of Hwy. 523 and county road 792, Oyster Creek, Texas.
- 20155-CD-P-77, Nashville Mobilphone, Inc. (KUS364), C.P. to change antenna system, replace transmitter and change frequency from 35.58 MHz to 158.70 MHz located at 322 Main Street, Clarksville, Tennessee.
- 20156-CD-MP-77, Nashville Mobilphone, Inc. (KLF864), Modification of C.P. for additional facilities to operate on 454.100 MHz to be located at a new site described as Loc. #3: Shelbyville Pike, 5.3 miles S. of Murfreesboro, Tennessee.
- 20157-CD-ML-77, Massachusetts-Connecticut Mobile Telephone Company (KUC912), License to change frequency from 454.275 MHz to 454.350 MHz located, end of Cook Drive, Montville (New London), Connecticut.

RENEWAL OF LICENSE EXPIRING NOVEMBER 30, 1976; TERM: NOVEMBER 30, 1976 TO NOVEMBER 30, 1977 (DEVELOPMENTAL)

New Jersey Bell Telephone Company, New Jersey, KEK270, KEK271, KEK272.

The Diamond State Telephone Company, Delaware, KGI269.

The Bell Telephone Company of Pennsylvania, Pennsylvania, KGI268.

The Chesapeake and Potomac Telephone Company of Maryland, Maryland, KGI270, KGI271, KGI272, KGI273.

Application Accepted for Filing:

INFORMATIVE

It appears that the following applications may be mutually exclusive and subject to the Commission's Rules regarding Ex Parte presentations by reasons of potential electrical interference,

152.09 MHz

Charles Rotkin d/b as Northeast Communication, Williston, Vermont 21062-CD-P-75. Message Center, Inc., Mt. Mansfield, Near Underhill Vermont, 22130-CD-MP-(3).

RURAL RADIO

60012-CR-P/L-77 Radio Telephone Service, Inc. (new). C.P. for a new Rural Subscriber station to operate on 158.49 148.52 158.55 158.58 158.61 158.64 158.67 MHz to be located various point within territory of the Grantee.

OFFSHORE RADIO TELECOMMUNICATIONS SERVICE

50003-CG-P-77 The Offshore Telephone Company (new). C.P. for a new Central Office station to operate on 488.100 MHz to be located 76 Miles south of Franklin, Louisiana.

50004-CG-P-77 The Offshore Telephone Company (new). C.P. for a new Rural Subscriber station to operate on 491.100 MHz to be located 88 Miles South of Morgan City, Louisiana.

POINT TO POINT MICROWAVE RADIO SERVICE

307-CF-P-77, The Pacific Telephone and Telegraph Company (KMO89), 516 Third Street, Santa Rosa, California. Lat. 38°26'21" N., Long. 122°42'48" W., C.P. to add frequency 10935.0V MHz toward Cloverdale, California.

308-CW-P-77, (same) (KMO90), 5 Miles North of Cloverdale, California. Lat. 38°53'01" N., Long. 122°59'33" W. C.P. to add frequencies 11345.0V MHz toward Santa Rosa, California and 11545.0V MHz toward Ukiah, California.

309-CF-P-77, (same) (KNL51), 305 West Stephenson Street, Ukiah, California. Lat. 39°08'53" N., Long. 123°12'30" W., C.P. to add frequency 11135.0V MHz toward Cloverdale, California.

314-CF-P-77, Southern Bell Telephone and Telegraph Company (KIO59), 405 13th Street, Columbus, Georgia. Lat. 32°28'15"

N., Long. 84°59'14" W., C.P. to add a new point of communication on frequencies 10835V 10915V MHz toward Nankipook, Georgia on azimuth 28.1°.

315-CF-P-77, (same) (new), 1.2 Miles NE of Nankipook, Georgia. Lat. 32°33'55" N., Long. 84°55'41" W., C.P. for a new station on frequencies 11525V 11605V MHz toward Columbus, Georgia on azimuth 208.1°, and 11525V 11605V MHz toward Rehobeth 2, Georgia on azimuth 19.5°.

316-CF-P-77, (same) (new), Rehobeth 2, 0.75 Mile NW. of Rehobeth, Georgia. Lat. 32°39'01" N., Long. 84°53'33" W., C.P. for a new station on frequencies 10835V 10915V MHz toward Nankipook, Georgia on azimuth 199.5°, and 10835V 10915V MHz toward Hamilton, Georgia on azimuth 8.2°.

317-CF-P-77, (same) (new), Thigpen Avenue, Hamilton, Georgia. Lat. 32°45'32" N., Long. 84°52'26" W., C.P. for a new station on frequencies 11525V 11605V MHz toward Rehobeth, Georgia on azimuth 188.3°.

320-CF-P-77, (same) (KIY62), Paris Mtn., 6 Miles North of Greenville, South Carolina. Lat. 34°56'29" N., Long. 82°24'40" W., C.P. to increase output power on frequencies 3730V 3810V 3890V 3750H 4050V MHz toward Clinton, South Carolina on azimuth 137.0°, and 3730H 3810H 3890H 3970H 4050H 4130H 3750V MHz toward Greenville, South Carolina on azimuth 173.9°.

321-CF-P-77, (same) (KIY61), 208 Broad Street, Clinton, South Carolina. Lat. 34°28'13" N., Long. 81°52'55" W., C.P. to increase power output on frequencies 3770V 3850V 3930V 4090V 3710H MHz toward Paris Mtn., South Carolina on azimuth 317.3°.

318-CF-R-77, Bell Telephone Company of Nevada (KPF80), Application for Renewal of Radio Station License (Developmental) expiring December 1, 1976. Term: December 1, 1976 to December 1, 1977.

8236-CF-P-76, American Telephone and Telegraph Company (KAS85), 8.9 Miles NE of Cedarwood, Colorado. Lat. 38°02'02" N., Long. 104°29'20" W., C.P. to add frequency 4010H MHz toward Pueblo, Colorado.

215-CF-P-77, American Television & Communications Corporation (KAY 61), 2.5 miles NE of Willmar, Minnesota. (Lat. 45°08'16" N., Long. 95°01'13" W.): Construction permit to replace transmitters and change frequencies to 5960.0V, 5989.7H, 6019.3V, and 6049.0H MHz toward Montevideo and 5960.0H, 5989.7V, 6019.3H and 6049.0V MHz toward Benson, both in Minnesota, on azimuths 247.2 and 295.0 degrees, respectively. (NOTE.—Applicant requests waiver of section 21.701(i) of the Commission's Rules.)

216-CF-P-77, American Television & Communications Corporation (KCM 74), 0.5 mile East of Benson, Minnesota. (Lat. 45°18'54" N., Long. 95°35'11" W.): Construction permit to replace transmitters and change frequencies to 6271.4V, 6330.7V, and 6390.0V MHz toward Morris, Minnesota, on azimuth 322.5 degrees.

217-CF-P-77, American Television & Communications Corporation (KCM 75), 5 miles SE. of Montevideo, Minnesota. (Lat. 45°55'55" N., Long. 95°42'06" W.): Construction permit to replace transmitters and change frequencies to 5293.6V, 6212.0V, 6330.7V, and 6390.0V MHz toward Marshall, Minnesota, on azimuth 184.3 degrees and 6293.6V MHz toward Toronto, South Dakota, on azimuth 245.3 degrees.

219-CF-MP-77, American Microwave & Communications, Inc. (KQL 46), 0.5 mile W. of Covington, Michigan. (Lat. 46°32'02" N., Long. 88°32'37" W.): Construction permit to replace transmitters, change polarity and change frequencies to 6278.8H, 6308.4V, 6338.1H and 6397.4H MHz toward Bergland, Michigan, on azimuth 281.7 degrees.

220-CF-P-77, Microwave Transmission Corporation (KPR 33) Mission Ridge, 11 miles SSW of Wenatchee, Washington, (Lat. 47° 16'27" N., Long. 120°24'18" W.): Construction permit to add 5982.3V MHz toward Ellensburg, Washington, on azimuth 192 degrees/43 minutes.

221-CF-P-77, Eastern Microwave, Inc. (KCK 70), Mt. Greylock-1, 2 miles NW of Adams, Massachusetts, (Lat. 42°38'07" N., Long. 73°09'57" W.): Construction permit to replace transmitter toward existing points of communication, via power split—6078.6V toward Beech Hill, 6078.6H toward Amherst, 6078.6V toward Florida Mtn. and 6078.6H MHz toward Great Barrington, all in Massachusetts.

222-CF-P-77, Garden State Micro Relay, Inc. (KEM 56), Milmay, New Jersey, (Lat. 39° 26'21" N., Long. 74°52'03" W.): Construction permit to add 6048.9V MHz toward Atlantic City, 6048.9H MHz toward Swanton, New Jersey, 6048.9V MHz toward Pleasantville, and 6048.9H MHz toward Millville, all in New Jersey, on azimuths 101.4, 169.8, 103.4, and 259.1 degrees, respectively.

223-CF-P-77, Yankee Microwave (KYZ 85), Mt. Washington, Sargents Purchase, New Hampshire, (Lat. 44°16'13" N., Long. 71°18' 13" W.): Construction permit to change antenna system and power split 6360.3V MHz toward Mt. Hope, on azimuth 156.7 degrees from existing point of communication.

231-CF-P-77, United Video, Inc. (WAH 571), Springfield, Illinois, (Lat. 39°45'06" N., Long. 89°34'38" W.): Construction permit to add 6286.2V MHz toward Taylorville, Illinois, on azimuth 133.4 degrees.

232-CF-P-77, United Video, Inc. (KEZ 53), 3 miles SW of Taylorville, Illinois, (Lat. 39°30'43" N., Long. 89°15'03" W.): Construction permit to add Decatur, Illinois, on azimuth 27.3 degrees.

233-CF-P-76, United Video, Inc. (WIV 66), 1.6 mile South of Jennings, Louisiana, (Lat. 30°11'49" N., Long. 92°39'09" W.): Construction permit to change transmit station location—5974.8V and 6034.2V MHz toward Crowley, Louisiana, on azimuth 85.8 degrees. (Note.—Applicant requests Special Temporary Authority.)

234-CF-P-77, United Video, Inc. (WPE 94), 2 miles West of Lacassine, Louisiana, (Lat. 30°14'47" N., Long. 92°58'36" W.): Construction permit to change location of receive station—6241.7H and 6301.0 MHz toward Jennings, Louisiana, on azimuth 99.9 degrees.

245-CF-P-77, Western Telecommunications, Inc. (KPY 90), Baldy, 15 miles West of White Sulphur Springs, Montana, (Lat. 46°28'35" N., Long. 111°15'04" W.): Construction permit to add 6049.0H MHz toward Blackhorse, Montana, on azimuth 356.9 degrees.

246-CF-P-77, Western Telecommunication, Inc. (KSQ 33), Blackhorse, 6 miles North of Great Falls, Montana, (Lat. 47°35'42" N., Long. 111°20'25" W.): Construction permit to add 6271.4V MHz toward Great Falls, Montana, on azimuth 147.2 degrees.

251-CF-P/ML-77, Garden State Micro Relay, Inc. (WAY 88), Temporary fixed within New Jersey and vicinity. Construction permit and modification of license to add 3700-4200 V & H MHz and 10,700-11,700 V & H MHz.

8150-CF-P-76, Yankee Microwave (KYZ 86), Moose Hill, 3.0 miles East of Livermore Falls, Maine, (Lat. 44°29'00" N., Long. 70° 07'59" W.): Construction permit to add 6019.3V and 6167.6V MHz toward Rumford and Jay, both in Maine and 6019.3V,

6108.3V, and 6167.6V MHz toward Blinn Hill, Maine, on azimuths, 277.8, 276.4 and 137.9 degrees, respectively.

MAJOR AMENDMENT

4039-CF-P-76 American Television & Communications Corporation (WAT 977), Charlottesville, Virginia, (Lat. 37°59'00" N., Long. 78°28'54" W.): Application amended to change polarity to 6226.9V MHz and 6286.2V MHz toward Charlottesville (Virginia-TV), Virginia and to add 6226.9H and 6286.2H MHz toward Spear Mtn., Virginia, on azimuths 355.2 degrees and 208.7 degrees, respectively.

CORRECTIONS

8168-CF-P-76 American Telephone and Telegraph Company (KPW24), Delta, Utah. Correct entry which appeared on Public Notice No. 826, October 4, 1976, to read as follows: C.P. to change polarization from Vertical to Horizontal on frequencies 3770, 3850, 3930, 4010, 4090, 4170 MHz, and from Vertical to Horizontal on 3750, 3830, 3910, 3990, 4070, 4150, 4198 MHz toward Clear Lake, Utah.

8169-CF-P-76 Same (KPK94), Leamington, Utah. Correct entry which appeared on Public Notice No. 826, October 4, 1976, to read as follows: C.P. to change polarization from Vertical to Horizontal on frequencies 3730, 3810, 3890, 3970, 4050, 4130 MHz, and from Horizontal to Vertical on 3710, 3790, 3870, 3950, 4030, 4110 MHz toward Delta, Utah.

3799/3400/3401-CF-ML-76 Same. Correct these three entries to read Mod. of License to change coordinates. All other particulars remain as reported on Public Notice No. 827, dated October 12, 1976.

3400-CF-ML-76 Same (KAA95). Correct station location to read Earlham, Iowa. All other particulars remain as reported on Public Notice No. 827, dated Oct. 12, 1976.

4079-CF-ML-76 Same (KMC63). Correct station location to read Cisco Butte, 6 Miles ENE of Emigrant Gap, California. All other particulars remain as reported on public notice No. 827, dated October 12, 1976.

4190-CF-ML-76 Same (KAA95). Correct station location to read 3.0 Miles West of Earlham, Iowa, and Des Moines, Indiana to read Iowa. All other particulars remain as reported on Public Notice No. 827, dated October 12, 1976.

4191-CF-ML-76 Same (KAA70). Correct state location to read Iowa, and receive station to read Earlham, Iowa. All other particulars remain as reported on Public Notice No. 827, dated October 12, 1976.

[FR Doc.76-33445 Filed 11-11-76;8:45 am]

[Docket No. 20975; File No. TS 34-74; FCC 76-993]

DEPARTMENT OF DEFENSE v. HAWAIIAN TELEPHONE CO.

Investigation and Hearing

Adopted: October 27, 1976.

Released: November 9, 1976.

1. The Commission has before it: (a) a formal complaint filed pursuant to Section 208 of the Communications Act of 1934, 47 U.S.C. 208 (1964), by the United States Department of Defense (DOD) on November 14, 1972, against The Hawaiian Telephone Company (Hawtel), Honolulu, Hawaii, in which DOD alleges that the rates for Schedule C Conditioning in Hawtel's Tariff FCC

No. 4,¹ are unreasonable and in violation of Section 201(b) of the Communications Act; (b) an answer to the complaint and motion to dismiss filed by Hawtel on January 5, 1973 under § 1.731(a) of the Commission's Rules and Regulations, 47 CFR 1.731(a) (1973); (c) a reply and opposition to the motion to dismiss filed by DOD on January 12, 1973, and (d) information responses from Hawtel and DOD received on September 10, 1975 and September 15, 1975 respectively.²

2. The Hawtel tariff provisions established, among other things, rates for Type C-3 and C-5 conditioning, and increased monthly rates for existing types of conditioning on the basis of revenue requirements studies which, according to Hawtel, reflected the then current costs associated with provision of the service. The filing also proposed to reduce the rate for Honolulu to San Francisco voice grade channels for private line telephone service, and foreign exchange service, from \$7,800 per month to \$6,700 per month. Hawtel stated that the substantial reduction made in the monthly rate for transpacific channels would more than offset the increase in the monthly rates for Type C Channel Conditioning services and would not result in an overall increase for any existing customer. On the basis of Hawtel's statements, it would appear that DOD suffered no increase in total charges for conditioned circuits between Honolulu and San Francisco. On the basis of Hawtel's data, it appears that the overall effect on Hawtel customers, as a result of decreased channel charges and increased Type C Channel Conditioning charges, was an overall reduction in charges. DOD, however, denies that there has been any reduction in either Type C Channel Conditioning or overall charges and to the contrary asserts that the total annualized billings increased from November 1971 to November 1972.

3. DOD's complaint alleges that the rates for Type C Channel Conditioning³ provided in conjunction with the DOD Automatic Voice Network (AUTOVON) are "unreasonable and unjust and in violation of Section 201(b) of the Communications Act * * * since they are

¹ Specifically, 10th Revised Page 18, 2nd Revised Page 18A, Original Page 18B, 3rd Revised Page 19 and 3rd Revised Page 20. These tariff provisions became effective November 30, 1971. Since the filing of the complaint pages 18, 19 and 20 have been revised. 12th Revised Page 18 and 4th Revised Pages 19 and 20 are currently in effect, however, the revisions do not effect the provisions in issue. In particular, see Section C.V.3.a., 4th Revised Page 20 of Hawtel Tariff FCC No. 4, where Hawtel Type C Channel Conditioning Charges are set forth.

² In the belief that consideration of the merits of the DOD complaint required additional information to supplement that contained in the various pleadings we requested, by Common Carrier Bureau letters dated July 23, 1975, that Hawaiian and DOD provide certain supplemental material.

³ Conditioning is an arrangement by which a carrier-provided channel facility is adapted to meet certain communications requirements of the customer.

clearly exorbitant and far exceed the rates and charges of other telephone companies for similar conditioning service under like circumstances using identical circuit parameters." In support of its allegations, DOD cites certain differences between the Hawtel rates and those of the American Telephone and Telegraph Company (AT&T).⁴ The complaint also presents in some detail the alleged costs incurred by Hawtel and AT&T and cites certain elements of those costs which DOD claims highlight the unreasonableness of the Hawtel rates. Specifically, DOD points out that the rate development for Hawtel's tariff includes charges of \$150 to \$180 to cover removal of the service, without provision for salvage or reuse credit while AT&T allows a net salvage credit of \$55 to \$410 per circuit. Additionally, DOD claims that Hawtel's rates are based on cost figures current at the time of the tariff filing but that the bulk of the equipment needed to provide the service was actually purchased over 3 years prior to the time of the filing. DOD alleges that Hawtel also includes "large amounts" of older test equipment which was fully accounted for in setting rates for other services, at new equipment costs. DOD also attacks certain intangible cost elements relied upon by Hawtel in developing its rates. For example, DOD claims Hawtel's revenues average 37.5% of its total investment while AT&T's average 30% of investment computed with a 19% reserve. DOD also sets forth Hawtel's required before tax rate of return (14%) and its maintenance cost of 7% (AT&T charges 5.0% to 5.5%). It also notes that Hawtel recovers reusable material in 10 years and nonrecoverable costs in 5 years, for an overall 7 year average, while AT&T normally has a 20 year life for the same type of equipment. In view of these matters, DOD requests the Commission, after "due hearing" on its complaint, to order Hawtel to file new rates which are just and reasonable and grant such other and further relief as the Commission may consider proper. No specific request for damages was made by DOD.

4. In its motion to dismiss, Hawtel argues that the sole basis for the complaint appears to be that Hawtel's costs and rates are higher than those charged by AT&T. Hawtel claims that this, even if correct, is insufficient as a matter of fact or law to form a basis for any judgment with respect to the justness or reasonableness of either the AT&T or Hawtel rates. Further, in its answer, Hawtel generally denies DOD's allegations that its Type C Channel Conditioning charges are excessive, and denies all specific allegations of fact except to the extent that the complaint alleges that it incurs higher costs in providing service than does AT&T. Hawtel also alleges that DOD's rate and cost comparisons, even if accurate in all respects (which Hawtel denies) are meaningless without a showing of substantial similarity of circumstances and conditions and show nothing on the reasonableness of the rates. Second, Hawtel asserts that DOD

has omitted reference to the fact that before filing of the tariff provision at issue, Hawtel recovered part of its revenue requirements through charges to other carriers which were terminated with the effective date of the present tariff. Third, Hawtel points out that channel conditioning is supplied only in connection with channels and that the effect of the total tariff charge was to reduce, not raise, total charges to DOD for conditioned channels by approximately \$200,000 annually. Finally, Hawtel alleges that the material supplied pursuant to Section 61.38 of our Rules demonstrates that its charges are just and reasonable. In connection with this allegation, Hawtel argues that serious questions exist as to whether the rates in effect prior to the subject tariff were compensatory and that a customer (DOD) who benefitted in the past from marginal charges is in a poor legal and factual position to complain that the present compensatory rates are excessive.

5. We find that DOD has made a prima facie showing that Hawtel's present Type C Channel Conditioning charges may not be cost-supported or may be otherwise unreasonable. A question exists as to whether or not Hawtel's cost data supports the Type C Channel Conditioning rates, a factual matter disputed by DOD and best resolved by an investigation and hearing. It is true that cost and rate comparisons between different carriers may not generally bear on the reasonableness of their respective charges. However, we are persuaded here that the substantial differences pointed out by DOD between Hawtel and AT&T's Type C Channel Conditioning charges may be of significance. On the basis of the limited data before us the AT&T and Hawtel Type C Channel Conditioning services appear to be offered under substantially similar circumstances using identical circuit parameters. Therefore, it may be reasonable to expect some reasonable similarity in charges.⁵ It appears that Hawtel merely denies the allegation that its Type C Channel Conditioning service is similar to AT&T's. It offers no persuasive affirmative pleading or evi-

⁴For example, DOD notes that Hawtel's monthly charges for C-1 Conditioning (\$50) are approximately ten times higher than AT&T's monthly charges for C-1 conditioning (\$5.40). See AT&T's Tariff FCC No. 260, Section 3.4.B(1)(a), 9th Revised Page 143.4 and Hawtel's Tariff FCC No. 4, Section C.V.3.a., 4th Revised Page 20.

⁵Supra, n. 4.

⁶Thus, DOD has sufficiently pleaded its case under our Rules (47 CFR 1.722) to survive a motion to dismiss and warrant the institution of an investigation and hearing. See *Conley v. Gibson*, 355 U.S. 41, 45-46 (1957) wherein it was held that "a complaint should not be dismissed . . . unless it appears beyond doubt that the plaintiff can prove no set of facts . . . which would entitle him to relief." See also *Bunker-Ramo Corp. v. Western Union*, 25 FCC 2d 691, 696 (1970).

dence to support its claim of dissimilarity and because the relevant evidence on this issue is in the possession of Hawtel, DOD cannot be expected to disprove Hawtel's claims.⁶ A hearing will afford Hawtel the opportunity to submit evidence in support of its claims that its present Type C Channel Conditioning charges are cost justified and lawful and that any comparison with AT&T's charges is therefore inappropriate.

6. Accordingly, it is ordered, That pursuant to Sections 4(i), 4(j), 201(b), 203, 204, 205 and 403 of the Act an investigation and hearing is instituted into the lawfulness of the tariff regulations and rates for Hawtel's Type C Channel Conditioning, Hawtel Tariff FCC No. 4 (10th Revised Page 18, 2nd Revised Page 18A, Original Page 18B, 3rd Revised Pages 19 and 20) including any cancellations, amendments or re-issues thereof;

7. It is further ordered, That without any way limiting the scope of the investigation, it shall include consideration of the following:

(1) Whether any of the charges, classifications, regulations, or practices contained in the subject tariff are or will be unjust or unreasonable within the meaning of Section 201(b) of the Communications Act;

(2) Whether such tariffs will make an unjust or unreasonable discrimination or will subject any person or class of persons to undue or unreasonable prejudice or disadvantage, or will give any undue or unreasonable preference or advantage to any person or class of persons, within the meaning of Section 202(a) of the Communications Act;

(3) Whether such tariffs have been filed in full compliance with Section 203 of the Communications Act governing the filing of tariff schedules, and Part 61 of the Commission's Rules adopted thereunder; and

(4) Whether this Commission should prescribe just and reasonable charges, classifications, regulations and practices to be followed hereafter with respect to the service governed by such tariff and, if so, what charges, classifications, regulations, and practices should be prescribed.

8. It is further ordered, That the hearing will be held at the Commission's offices in Washington, D.C., on a date, and before an Administrative Law Judge, to be specified in a subsequent Order by the Chief Administrative Law Judge;

9. It is further ordered, That the presiding Administrative Law Judge shall, upon the close of the record, prepare an initial decision which shall be subject to exceptions and requests for oral arguments as provided for in the Commission Rules, after which the Commission shall issue its Final Decision;

10. It is further ordered, That Hawtel is named party-respondent herein, and DOD is named a party and that any other party may file a notice of intent to participate within ten (10) days of the publication of this order in the *FEDERAL REGISTER*;⁷

⁷A separated Trial Staff of the Common Carrier Bureau will not participate in this hearing because of the limited nature of the facts and controversy.

11. It is further ordered, That Hawtel's motion to dismiss is denied; and

12. It is further ordered, That the Secretary shall send a copy of this Order by certified mail, return receipt requested, to Hawtel and DOD and shall cause a copy to be published in the FEDERAL REGISTER.

FEDERAL COMMUNICATIONS
COMMISSION,

VINCENT J. MULLINS,
Secretary.

[FR Doc.76-33444 Filed 11-11-76; 8:45 am]

[Docket Nos. 20982-20983; File Nos. 4605-CM-P-72; 6983-CM-P-72]

**EASTERN MICROWAVE, INC. AND
MULTI-COMMUNICATION SERVICES, INC.**

Construction Permits in Multipoint Distribution Service; New Station at Erie, Penn.

Adopted: November 1, 1976.

Released: November 8, 1976.

1. The Commission has before it the above-referenced applications of Eastern Microwave, Inc. (Eastern) (File No. 4605-CM-P-72), filed on January 21, 1972 and Multi-Communication Services, Inc. (Multicom) (File No. 6983-CM-P-72), filed on March 30, 1972. Both applications proposed Channel 1 operation in the Multipoint Distribution Service (MDS) in the Erie, Pennsylvania area, and thus are mutually exclusive and require comparative consideration. Both applications have been amended as a result of informal requests of the Commission staff for additional information, and no petitions to deny or other objections to any of the applications have been received.

2. Eastern, a wholly-owned subsidiary of Newhouse Broadcasting Corporation, holds MDS construction permits in five cities, including Pittsfield, Massachusetts and Syracuse, New York. Newhouse Broadcasting also has broadcasting and CATV interest in Syracuse, Elmira and Binghamton, New York. Multicom has twenty-three MDS construction permit applications pending. Several of its officers have interests in broadcasting and CATV operations in Florida and Georgia.

3. Upon review of the captioned applications, we find that both applicants are legally, technically, financially, and otherwise qualified to provide the services which they propose, and that a hearing will be required to determine, on a comparative basis, which of these applications should be granted.

4. Accordingly, it is hereby ordered, That pursuant to Section 309(e) of the Communications Act of 1934, as amended, and Section 0.291 of the Commission's Rules, the above-captioned applications are designated for hearing, in a consolidated proceeding, at the Commission's offices in Washington, D.C., on a date and before an Administrative Law Judge to be specified by later order, to

determine, on a comparative basis, which of the above-captioned applications should be granted in order to best serve the public interest, convenience, and necessity. In making such a determination, the following factors shall be considered:¹

(a) The relative merits of each proposal with respect to service area and efficient frequency use;

(b) The nature of the services and facilities proposed, and whether they will satisfy service requirements known to exist or likely to exist in the Erie, Pennsylvania area.

(c) The anticipated quality and reliability of the service proposed, including selection of equipment, installation, subscriber security, and maintenance.

(d) The charges, regulations and conditions of the service to be rendered and their relation to the nature, quality and costs of service; and

(e) The managerial and entrepreneurial qualifications of the applicants.

5. It is further ordered, That Eastern Microwave, Inc., and Multi-Communication Services, Inc., and the Chief, Common Carrier Bureau, ARE MADE PARTIES to this proceeding.

6. It is further ordered, That parties desiring to participate herein shall file their notices of appearance in accordance with the provisions of § 1.221 of the Commission's Rules.

JOSEPH A. MARINO,
Deputy Chief for Chief,
Common Carrier Bureau.

[FR Doc.76-33440 Filed 11-11-76; 8:45 am]

[Docket Nos. 20986-20987; File Nos. 2817-CM-P-72; 4202-CM-P-72]

**MICROWAVE TRANSMISSION CORP. AND
WESTERN TELE-COMMUNICATIONS, INC.**

Construction Permits in Multipoint Distribution Service; New Station at Spokane, Wash.

Adopted: November 2, 1976.

Released: November 8, 1976.

1. The Commission has before it the above-referenced applications of Microwave Transmission Corporation (MTC) (File No. 2817-CM-P-72), filed on November 9, 1971 and Western Tele-Communications, Inc. (Western) (File No. 4202-CM-P-72), filed on January 10, 1972. Both applications proposed Channel 1 operation in the Multipoint Distribution Service (MDS) in the Spokane, Washington area, and thus are mutually exclusive and require comparative consideration. Both applications have been amended as a result of informal requests of the Commission staff for additional information, and no petitions to deny or other objections to any of the applications have been received.

¹ Consideration of these factors shall be made in light of the Commission's discussion in Peabody Telephone Answering Service, et. al., 55 FCC 2d 626 (1975).

2. MTC is a wholly owned subsidiary of Wyly Corporation. It holds a one third interest in Metroltel, Inc., an MDS construction permittee in Los Angeles, and one half interest in Microband/MTC West Coast, Inc., permittee in Anaheim and San Francisco, California, and Seattle, Washington. MTC also has construction permit applications in Birmingham, Alabama; El Paso, Texas; and Salt Lake City, Utah. It has controlling or substantial interests in 43 Corporations holding 155 Business and/or CARS microwave licenses.

3. Upon review of the captioned applications, we find that both applicants are legally, technically, financially, and otherwise qualified to provide the services which they propose, and that a hearing will be required to determine, on a comparative basis, which of these applications should be granted.

4. Accordingly, it is hereby ordered, That pursuant to Section 309(e) of the Communications Act of 1934, as amended, and Section 0.291 of the Commission's Rules, the above-captioned applications are designated for hearing, in a consolidated proceeding, at the Commission's offices in Washington, D.C., on a date and before an Administrative Law Judge to be specified by later order, to determine, on a comparative basis, which of the above-captioned applications should be granted in order to best serve the public interest, convenience, and necessity. In making such a determination, the following factors shall be considered:¹

(a) The relative merits of each proposal with respect to service area and efficient frequency use;

(b) The nature of the services and facilities proposed, and whether they will satisfy service requirements known to exist or likely to exist in the Spokane, Washington area;

(c) The anticipated quality and reliability of the service proposed, including selection of equipment, installation, subscriber security, and maintenance.

(d) The charges, regulations and conditions of the service to be rendered and their relation to the nature, quality and costs of service; and

(e) The managerial and entrepreneurial qualifications of the applicants.

5. It is further ordered, That Microwave Transmission Corporation and Western Tele-Communications, Inc., and the Chief, Common Carrier Bureau, ARE MADE PARTIES to this proceeding.

6. It is further ordered, That parties desiring to participate herein shall file their notices of appearance in accordance with the provisions of § 1.221 of the Commission's Rules.

JOSEPH A. MARINO,
Deputy Chief for Chief,
Common Carrier Bureau.

¹ Consideration of these factors shall be made in light of the Commission's discussion in Peabody Telephone Answering Service, et. al., 55 FCC 2d 626 (1975).

[FR Doc.76-33441 Filed 11-11-76; 8:45 am]

[FCC 76-1006]

MINIMUM PERIOD OF TIME WITHIN WHICH TO FILE COMMENTS AND REPLY COMMENTS IN RULEMAKING PROCEEDINGS

Denying Petition for Rulemaking

MEMORANDUM OPINION AND ORDER

Adopted: October 27, 1976.

Released: November 8, 1976.

In the matter of Amendment of § 1.415 of the Commission's rules to specify minimum periods of time within which to file comments and reply comments in rulemaking proceedings, RM-2662.

1. The Associated Public-Safety Communications Officers, Inc. (APCO) has petitioned the Commission to amend § 1.415 of the rules to establish a minimum period of 60 days within which to submit comments and 45 days within which to submit reply comments in rulemaking proceedings.

2. In support of this request, the petitioner argues that the present rules, which provide that a "reasonable time" shall be provided for the submission of comments and reply comments, almost always result in too short a comment and reply comment period being established. Therefore, instead of the "reasonable time" standard now provided for in the rules, APCO seeks the establishment of a minimum of 60 days to prepare and submit comments in Commission rulemaking proceedings, and the establishment of a 45 day minimum for the submission of reply comments. These changes, in APCO's view, will permit the preparation of more thorough and cogent comments and will not "materially delay" the Commission's rulemaking process. Further APCO states that in instances in which the Commission makes a specific finding that shorter comment and reply comment periods are required in the public interest, provision is made for establishing such reduced periods.

3. We have carefully considered APCO's request and the reasons offered and we have concluded that grant of the petition is not warranted. It is our view that the flexibility in the present rules enables the Commission, based upon its judgment and experience in these matters, to determine the time frame most appropriate to the nature of the rulemaking proceeding and the complexity of the issues involved. Thus, comment periods of 30 days, 60 days, and longer have been provided for the submission of comments depending on what the situation warrants. Of course, in the event that interested parties indicate, for good cause shown, the need for an extended comment period, the Commission can grant the required time extension. There, therefore, appears to be no apparent practical benefit which would be served by adoption of petitioner's proposal. To the contrary, the change suggested could result in delay problems with respect to those relatively uncomplicated rulemaking proceedings wherein we now provide

only a 30 day comment, and a 15 day reply comment period. In these matters, limitation of the rule as suggested by petitioner would unduly delay the action time frame that can now be met.

4. Accordingly, the Commission finds that grant of the subject petition is not in the public interest: *And it is ordered*, That the petition of the Associated Public-Safety Officers, Inc. (RM-2662), is denied.

FEDERAL COMMUNICATIONS
COMMISSION,¹

VINCENT J. MULLINS,

Secretary.

[FR Doc.76-33438 Filed 11-11-76;8:45 am]

[Docket Nos. 20984-20985 File Nos. 6375-
CM-P-72; 8072-CM-P-72]

MULTI-COMMUNICATION SERVICES, INC. AND MICHIGAN TELE-COMMUNICATION SERVICES, INC.

Construction Permits in Multipoint Distribution Service; New Station at Grand Rapids, Mich.

Adopted: November 1, 1976.

Released: November 8, 1976.

1. The Commission has before it the above-referenced applications of Multi-Communication Services, Inc. (Multicom) (File No. 6375-CM-72), filed on March 13, 1972 and Michigan Tele-Communication Services, Inc. (MTS) (File No. 8072-CM-P-72), filed on May 8, 1972. Both applications proposed Channel 1 operation in the Multipoint Distribution Service (MDS) in the Grand Rapids, Michigan area, and thus are mutually exclusive and require comparative consideration. Both applications have been amended as a result of informal requests of the Commission staff for additional information, and no petitions to deny or other objections to any of the applications have been received.

2. MTS has construction permits in Muskegon, Bay City, Jackson, Kalamazoo and Ann Arbor, Michigan and has applications for several other cities, including Detroit and Pontiac, Michigan. Multicom has twenty-three MDS construction permit applications pending. Several of its officers have interests in broadcasting and CATV operations in Florida and Georgia.

3. Upon review of the captioned application, we find that both applications are legally, technically, financially, and otherwise qualified to provide the services which they propose, and that a hearing will be required to determine, on a comparative basis, which of these applications should be granted.

4. Accordingly, it is hereby ordered, That pursuant to Section 309(e) of the Communications Act of 1934, as amended, and Section 0.291 of the Commission's Rules, the above-captioned applications are designated for hearing, in a consolidated proceeding, at the Com-

¹ Commissioner Lee absent; Commissioner Hooks concurring in the result; Commissioner White not participating.

mission's Rules, the above-captioned application date and before an Administrative Law Judge to be specified by later order, to determine, on a comparative basis, which of the above-captioned applications should be granted in order to best serve the public interest, convenience, and necessity. In making such a determination, the following factors shall be considered:¹

(a) The relative merits of each proposal with respect to service area and efficient frequency use;

(b) The nature of the services and facilities proposed, and whether they will satisfy service requirements known to exist or likely to exist in the Grand Rapids, Michigan area.

(c) The anticipated quality and reliability of the service proposed, including selection of equipment, installation, subscriber security, and maintenance.

(d) The charges, regulations and conditions of the service to be rendered and their relation to the nature, quality and costs of service; and

(e) The managerial and entrepreneurial qualifications of the applicants.

5. It is further ordered, That Multi-Communication Services, Inc., and Michigan Tele-Communication Services, Inc., and the Chief, Common Carrier Bureau, ARE MADE PARTIES to this proceeding.

6. It is further ordered, That parties desiring to participate herein shall file their notices of appearance in accordance with the provisions of § 1.221 of the Commission's Rules.

JOSEPH A. MARINO,
Deputy Chief for Chief,
Common Carrier Bureau.

[FR Doc.76-33442 Filed 11-11-76;8:45 am]

[Docket No. 20970, CSR-985; FCC 76-966]

TM COMMUNICATIONS CO.

Petition for Special Relief

Adopted: October 21, 1976.

Released: November 10, 1976.

1. On February 23, 1976, Pacific Cablevision filed a petition for special relief requesting that the Commission order TM Communications Company (TMC), operator of a cable television system at Escondido, California, to allow it access to leased channel facilities in order to provide subscription television programming to subscribers of the Escondido system. TMC has opposed the petition and Pacific has replied.

2. In support of its petition, Pacific claims that while TMC presently leases one of its channels for a twelve percent fee to TM Program Services, Inc., on which the lessee provides pay cable programming, it refuses to make available a similar channel to Pacific. Pacific claims that this denial is discriminatory, anti-competitive and contrary to the Commission's Rules. Pacific further al-

¹ Consideration of these factors shall be made in light of the Commission's discussion in *Peabody Telephone Answering Service, et. al.*, 55 FCC 2d 626 (1975).

leges that TMC has the technical capability to permit carriage of an additional leased channel on its mid-band.² Moreover, based on representations by TMC, at least forty percent of the Escondido system has already been converted to full 20-channel capacity amplifiers. Therefore, on at least that portion of the system, an additional pay cable channel could easily be provided. Pacific contends that § 76.251(c) of the Commission's Rules requires that if "grandfathered systems" such as TMC begin to provide any of the access services described in Section 76.251(a)—namely public access, educational access, local government access, or leased access—they shall also comply with paragraphs (a) (9), (10) and (11) of § 76.251.³ Petitioner also notes that in paragraph 34 of the Clarification of the Cable Report and Order, FCC 74-384, 46 FCC 2d 175 (1974), the Commission was cognizant that if operators restrict entry into the area of pay cable, this would lead to demands that cable be redefined as a common carrier.⁴ Pacific alleges that TMC's denial of access to its leased channel is an abuse of a monopoly power. Finally, Pacific states that the Commission has held that discrimination against an unaffiliated company in favor of an affiliated company and denial of access is illegal and improper, citing Telephone Companies—CATV Channel Service, FCC 70-426, 22 FCC 2d 757 (1970), affirmed sub. nom., *General Telephone Co. of the Southwest v. United States*, 449 F.2d 846 (5th Cir. 1971); and *Warrensburg Cable Inc. v. United Telephone Co. of Missouri*, FCC 74R-320, 48 FCC 2d 893 (1974).

3. TMC has opposed Pacific's petition claiming that the petition is both procedurally and substantively defective. TMC notes that it has provided pay cable programming to its subscribers since approximately March 15, 1974, under an "experimental arrangement" with a now defunct company, CINCA Communica-

tions Corp. Subsequently, on April 1, 1975, TMC took over operations and now provides pay cable service through its affiliate, TM Program Services, Inc. TMC claims that this arrangement can not be construed as channel leasing, but simply a "separate corporate structure created solely as a bookkeeping and administrative convenience." * * * This separate corporate structure arose out of a need to more easily maintain books and accounts on pay cable services" following the demise of CINCA. Further, TMC argues that to require it to lease one of its channels to Pacific would be tantamount to ordering TMC to convert its private property to a public or "quasi-public" use without due process and just compensation in violation of the Fifth Amendment's constitutional protections. Such an order would require TMC to become a common carrier or assume the heavy burden of common carrier status. Moreover, TMC claims that this proceeding is not the proper forum in which to consider such matters. The petition raises serious policy questions which should be reserved for deliberation in a rule making proceeding.

4. TMC premises its legal arguments on the following factors: (a) cable systems are not common carriers; (b) the cable system has never held itself out to the general public as a lessor of cable channels; (c) leasing cable television channels does not relate to the carriage of broadcast signals and its regulation cannot be sustained on a theory that it is a condition precedent to the privilege of carrying broadcast signals. *Frost v. Railroad Commission*, 271 U.S. 583 (1926), is said to be the leading case for the proposition that the government cannot coerce or demand that a business must change the basic nature of its enterprise; (d) the Supreme Court's holding⁵ that the Commission was empowered to impose on the cable television industry mandatory origination requirements is distinguishable from the instant case because Midwest Video "required no surrender of the cable operators' discretion in determining what material would be presented over their facilities, and how each presentation would be financed involved no coerced provision of cable channels and it did not order facilities opened to unrestricted and uncompensated public use"; (e) TMC believes that Pacific has a lack of experience in cable and pay cable programming which can only exacerbate the adversities earlier experienced by TMC and its subscribers as a result of the failure of the CINCA experience; (f) because of technical adjustments necessary for the provision of a second mid-band channel, it would be necessary to monitor and adjust TMC's trunk line amplifiers to minimize second order harmonic beats. TMC states that it will neither permit additional adjustments and monitoring to be made on its system nor "allow anyone else to control the quality levels of its cable channels"; (g) TMC claims that

§ 76.251 does not require it to make leased channel facilities available without first having made available to the public access channels for public, educational and governmental access use. Because it has never been obliged to make such channels available, it is relieved of any obligations to lease a channel to the petitioner.⁶

5. In short, TMC considers the petitioner to be an "opportunistic," attempting to secure the use of another's property for its own lucrative designs. To this end, Pacific Cablevision has sought to use the offices of both the City of Escondido and the Commission to coerce TMC into acquiescence. TMC urges the Commission to reject Pacific Cablevision's "covetous and facinorous" scheme.

6. In response to TMC's opposition, the petitioner contends that none of TMC's arguments is factually or legally sound. First, Pacific claims that it is not requesting a free channel; rather, it is requesting a channel, pursuant to the Commission's Rules, for which it will pay a reasonable rate and consequently there is no issue in this proceeding of an unconstitutional taking of property without compensation. Second, TMC, by its contractual arrangements with CINCA and TM Programming, has been engaged in leasing channels since 1974. Consequently, TMC is subject to the access provisions of § 76.251 and the Commission has jurisdiction to require TMC to provide leased access channel facilities to Pacific Cablevision. The petitioner notes that *American Civil Liberties Union v. FCC*, 523 F.2d 1344 (9th Cir. 1975), sustained the Commission's jurisdiction over access cable channels. According to Pacific, the delineation of four categories of access channel obligations created modified common carrier obligations, whereas "strict" common carrier status would presume Commission regulation of leased channel rates. Pacific also states that it is not asking for additional common carrier rules to regulate access, but maintains that the present rules and policies are sufficient to permit it access to leased channel facilities. The petitioner further contends that the issue here is not what cable television systems are called, but what their functions are. Accordingly, even if access rules are termed "common carrier" no constitutional guarantees are violated. Pacific contends that neither *Frost v. Railroad Commission*, *supra*, nor any of its progeny is applicable to the instant matter because the "issue here relates not to requiring a contract carrier to become a common carrier" against its will, but to the proposition that once one assumes that cable television systems are naturally monopolistic resources, certain pub-

² Pacific claims that on several occasions it has requested TMC's permission to conduct technical tests to determine whether another mid-band channel could be introduced without objectionable interference. However, TMC has refused to give Pacific an opportunity to make the appropriate tests.

³ Former § 76.251(c) of the Rules provided in part that:

"[I]f systems which commenced operations prior to March 31, 1972, begin to provide any of the access services described above, they shall comply with paragraphs (a) (9), (10) and (11) of this section at that time * * *."

Section 76.251(a)(11)(iii) provided that: "For the leased channel(s), such system shall establish rules requiring first-come nondiscriminatory access. * * *"

⁴ At Paragraph 34 of the Clarification, *supra*, we stated that:

"All parties must be given access to the leased channels at rates not designed to prohibit entry. This is especially true in the area of pay cable. Evidence that cable operators are restricting entry would obviously lead to demands that cable be redefined as a common carrier. We do not think this would be a good idea at this time. In fact, it would probably be detrimental. But abuse, particularly of leased channel access, will surely result in far more restrictive regulations."

⁵ *U.S. v. Midwest Video Corp.*, 406 U.S. 649 (1972).

⁶ TMC also notes that the Report and Order in Docket 20363, FCC 75-821, 54 FCC 2d 207 (1975), cancelled the March 31, 1977, reconstruction deadline for such major market cable systems as TMC's Escondido system. Although part of its system was reconstructed before the Commission's action in Docket 20363, TMC will not expand its channel capacity at this time, preferring instead to improve its existing service of 12 broadcast signals and one pay cable channel.

lic interest obligations and regulatory structures apply. Since TMC has undertaken wire service with the retransmission of broadcast programming and its own cablecasting, it controls a naturally monopolistic resource (i.e., the cable) and, therefore access to the cable subscribing public.

7. Petitioner also claims that TMC's other arguments are without merit, especially its contention that only a rule making proceeding should rule on these issues. Since no new issues are raised there is no need for additional rule making proceedings. Finally, Pacific contends that its financial qualifications are not in issue and that it will provide new and different programming to the subscribers in Escondido, California. Therefore, in Pacific's view, there is no doubt that TMC is "attempting to bar competition by creating a barrier to entry."

8. Following the submission of these pleadings, we released the Report and Order in Docket 20508, FCC 76-313, 59 FCC 2d 294 (1976), which adopted rules substantially modifying the access and cablecasting obligations of cable television systems. Because of the pertinence of the new rules to this proceeding, both parties were requested to submit additional comments on these questions: (a) whether TMC has the technical capacity to permit the use of more channels for access programming; (b) whether the petitioner was ready to install converters on the system and pass along additional costs to its potential subscribers; (c) whether it is feasible to permit access on a leased channel basis during those periods when TMC provides network non-duplication protection to local network affiliated stations; and (d) whether TMC would make a "reasonable effort" to provide access to Pacific Cablevision for the use of its facilities.

9. Pacific Cablevision replied as follows: (a) TMC has the capacity to permit the use of additional channels. A second midband channel is available and 40% of TMC's system has been converted to full 20-channel capacity amplifiers which can be utilized with converters. In brief, "there is channel capacity, and that capacity can meet the Commission's technical standards without causing the remainder of TMC's channels to go below those standards"; (b) Pacific intends to use converters and has never asked TMC to bear the costs of installation. Moreover, these costs would not be borne by TMC's regular subscribers; (c) Regarding the use of "black-out" time created by the enforcement of our nonduplication rules, Pacific contends that this question is moot because TMC acknowledges that sufficient channel space is available. In any case, this "black-out" time would not comport with the offering of full time pay cable service; and (d) TMC has not made a "reasonable effort" to provide access in the past and Pacific suggests it will not do so in the future unless the Commission orders compliance with its rules.

10. TMC also responded to these questions, but prefaced its submissions by

repeating "its basic position that the Commission is without authority to compel unconditional access to TMC's cable systems regardless of that system's technical configuration or any would-be user's willingness to underwrite the investment of interconnecting equipment or other devices to TMC's cable system." Additionally, TMC contended that the Commission had not adopted any rules governing compelled "open-ended access for commercial enterprises" such as Pacific Cablevision and therefore the requirements of the Administrative Procedure Act had not been satisfied. Moreover, such compelled access would not accord with the stated goals of the Report and Order in Docket 20508 to increase program diversity or a sense of participation in the video medium because of the commercial nature of the proposed programming. Notwithstanding the foregoing, TMC offered the following responses: (a) It does not have the technical capacity to permit the use of more channels. TMC's basic 12-channel system is saturated, and only 40% has been reconstructed to provide 20 channels. Also, signal distortion which accompanies the utilization of available mid-band channels renders them inaccessible in any practical sense. To avoid the problems of distortion and signal quality maintenance, TMC would be forced to rebuild most of its plant, and the Commission has recently eliminated these requirements.⁶ Summing up its position, TMC states:

Under the formula used by the Commission, it is clear that the present "activated channel capacity" of TMC's system is fully saturated. The 12 VHF channels are used to carry 13 broadcast signals plus local origination. One mid-band channel, Channel E, is used for TMC's own pay-programming. Seven mid-band channels are unusable because of signal distortion, interference problems, and related problems. The other mid-band channel is not usable for pay operations without an additional converter, and even with the addition of another converter may not be usable for pay purposes because of the serious lack of security from piracy of programming. In short, TMC does not have the actual technical capacity to accommodate leased access usage without engaging in major system rebuild including installations of converters, the very costly investment requirements the Report and the revised rules found no longer to be in the public interest.

(b) Regarding Pacific's expressed willingness to install converters at its own expense, TMC notes that Pacific has never demonstrated that it is financially or technically capable of successfully undertaking this task. TMC adverts to its experience with CINCA (see Paragraph 3 above) and alleges that Pacific's principal never paid for the use of a supply of cable several years ago. More fundamentally, TMC argues that Paragraph 66 of the Report and Order in Docket

⁶ The Report and Order in Docket 20363, supra, canceled the March 31, 1977, reconstruction deadline and suspended any requirement that applied to older systems, such as TMC's Escondido system.

20508, on which the petitioner relies as a basis for demanding access, is squarely contrary to the Report and Order's stated concern to relieve the unnecessarily costly burdens of full compliance with the 1972 access and channel capacity rules. For instance, TMC refers to the Commission's statement at Paragraph 90 of the Report and Order:

In promoting the beneficial uses of cable we recognize, however, an obligation to temper our expectations for the future with a realization of the economic realities of the present. We must insure that in formulating policies designed to facilitate the future provision of services, we do not create unreasonable barriers to the present expansion of cable in general. In setting for comment an option which would require old systems to meet our requirements upon natural rebuild we hope to minimize the present cost to the cable system operator and the public while insuring that when reconstruction naturally occurred it would be accomplished in such a manner as to provide expanded capacity which would facilitate the provision of future services.

(c) Turning to the use of "black-out" channels, TMC notes Pacific has indicated that it is not interested in such an alternative because it would not be consistent with the provision of full-time pay service. Consequently, in view of Pacific's lack of interest, TMC argues that this question should be considered moot. (d) Finally, TMC states that it will provide reasonable access to all "qualified users" if it is ordered to do so, and this order has been sustained on appeal. However, it insists that under the present circumstances, it cannot provide "reasonable access" to Pacific Cablevision.

11. The California Community Television Association (CCTA), which had not hitherto participated in this proceeding, filed comments on September 2, 1976. The association, which represents numerous California cable operators, stated that the petition should be denied and that the more orderly processes of Commission rulemaking should implement the objectives of Docket 20508. These submissions were not timely filed as Section 76.7 of the Rules specifies that oppositions to pending requests for special relief must be filed within 30 days of the initial filing of the petition. Moreover, CCTA did not seek a waiver of Section 76.7 to permit such an untimely filing or indicate the reasons for its failure to participate at an earlier date. Consequently, we do not believe that the public interest in maintaining orderly deliberative processes would be served by considering this pleading and it will be dismissed. (Additional comments were filed by TM Communications Company on September 27, 1976 and Pacific Cablevision on September 29, 1976. In view of their untimely submission, we will not take cognizance of them.)

DISCUSSION

12. TMC's arguments as to the constitutionality of our access rules closely parallel those raised by Midwest Video Corporation in Docket 20508. Generally, these arguments consist of the following

contentions: (a) that leased channel rules are equivalent to common carrier regulation and the Commission has no authority to convert cable systems into common carriers; (b) that the requirement to provide leased channels is an unconstitutional taking of private property for public use without just compensation in violation of the Fifth Amendment to the Federal Constitution; (c) that even if these regulations are not an unconstitutional taking, they violate the Fifth Amendment as being restrictions on a lawful business activity, constituting an unnecessary interference with personal or property rights that are not reasonably structured to attain a valid legislative purpose; and (d) that to mandate the leasing to third parties of access channels would necessitate a change in the basic structure of TMC's business.

13. In the Report and Order in Docket 20508, we stated that:

These arguments do not persuade us that the adoption of reasonable channel capacity and access channel rules are either unconstitutional or beyond our jurisdiction. The Communications Act allows the Commission significant discretion in dealing with the developments, demands and public interest benefits inherent in the dynamic field of communications. The Commission's authority to adopt reasonable cable regulations has been upheld on a number of occasions in several different contexts.⁷

Moreover, we were persuaded that the rationale of the Supreme Court's affirmation of our program origination rules in *Midwest Video* applies with equal force to our channel capacity and access rules and that simply denouncing them as "common carrier" or "quasi-common carrier" obligations did not invalidate their claims to legitimacy. TMC's collateral attack on the rules in this proceeding is no more persuasive.

14. TMC's passing reference to the Administrative Procedure Act warrants further comment. Prior to the adoption of the Report and Order in Docket 20508, TMC was subject to the provisions of former §§ 76.251 and 76.253 of the Rules. Consequently, TMC was obliged to establish rules requiring first-come nondiscriminatory access if it permitted access to its cable channels. Once TMC allowed the use of its channels for leased access, then it could not deny other potential users a similar opportunity to use these channels.⁸ In addition, § 76.253(a) of the Rules required TMC to "make a reasonable effort to provide channel time for presentation of (non-operator cablecast) programs." Nevertheless, TMC suggests that our action in Docket 20508 failed to adopt specific rules regarding non-operator access to a cable system's leased channels, that no standards have been established on which a cable operator can rely in administering § 76.254(f). In TMC's view, to impose additional duties on cable operators without providing specific notice thereof and an oppor-

tunity to comment violates the provisions of the Administrative Procedure Act. However, this argument ignores the fact that § 76.254(f) largely incorporates the existing obligations expected of cable operators which had been established by former §§ 76.251 and 76.253. Since our proceedings in Docket 20508 did not affect these continuing obligations, we are not persuaded that the requirements of the Administrative Procedure Act have been violated.

15. The instant petition was filed shortly before the Commission's adoption of changes in its cable television leased access rules, at a time when those modifications had been on notice to the public for the better part of a year. While it would be possible to evaluate Pacific Cablevision's complaint under the old standards as well as the new, we shall focus chiefly on the latter. As noted, the parties at Commission request have supplemented their pleadings to take into account our decision in Docket 20508. Since the cable system on which access is sought began operation prior to March 31, 1972, the new rule presently applicable to this dispute is § 76.254(f), which states in pertinent part:

Until March 31, 1977, systems * * * that commenced operation prior to March 31, 1972, may comply with the requirements of this section by making a reasonable effort to provide channel time for local non-operator presentation of cablecast programs.

The issue before us, then, is whether TMC has made a "reasonable effort to provide channel time" to Pacific Cablevision.

16. Beyond challenging the Commission's authority to compel access to the cable system (Paragraphs 3-4, 10, supra), TMC bases its continuing rejection of Pacific's lease proposal upon (a) its own technical limitations, (b) petitioner's questionable financial and technical capabilities, and (c) Pacific's refusal to consider use of "black-out" channel time. On the record before us, TMC does not dispute Pacific's claim that more than once it has refused petitioner's request to perform tests to determine whether another mid-band channel could be introduced without objectionable interference. (Note 1, supra). This is manifestly unfair. A cable operator who claims technical incapacity or harm to his system may not withhold the means to disprove that claim.

17. TMC's allegations that Pacific is financially and technically unqualified are not supported. Petitioner's offer to supply and maintain converters for subscribers to its proposed pay service is not challenged by TMC. The system's concern for theft of service (Paragraph 10, supra) is misplaced, since it appears the prospective lessee would bear the brunt of any such loss.

18. As to the availability of black-out time on TMC's channels, the question is not developed because both parties consider it moot. Since Pacific believes a whole channel is available, it declines to contemplate less. TMC takes this as a firm refusal, and apparently has not offered petitioner such nonduplication

time. In light of § 76.254(f)'s reference to "channel time"—admitting of less than a whole channel—we believe further exploration may be warranted.

19. These considerations of reasonableness are illuminated by Paragraphs 66 and 68 of our decision in the Report and Order in Docket 20508, supra, which states, in pertinent part:

Our rules may not be construed as permitting a system operator to exclude a potential access user who intends to use a channel, install converters himself, and pass such costs along to those who wish to view * * *

We shall scrutinize the actions of operators who, while providing their own programming, assert that their activated capability is insufficient to permit the leasing of a channel to potential competitors.

In light of the second of these statements, it no longer matters whether TM Program Services, Inc. is performing "origination" as a bookkeeping offspring of TMC or providing commercial service as an independent lessee. In neither case should it be given discriminatorily favorable treatment by the operator as against another commercial lessee.

20. On the record before us, we cannot conclude that TMC has made reasonable efforts to provide Pacific Cablevision with leased-access channel time on its Escondido system. TM Communications Company therefore is ordered to show cause why it should not cease and desist from violation of § 76.254(f) of the Commission's Rules, which violation is said to have begun on or before February 23, 1976, and to be continuing.

Accordingly, it is ordered, That pursuant to Section 312 (b) and (c) of the Communications Act of 1934, as amended (47 U.S.C. 312 (b) and (c)), TM Communications Company is directed to show cause why it should not be ordered to cease and desist from further violations of Part 76 of the Commission's Rules and Regulations in the operation of its cable television system at Escondido, California.

It is further ordered, That TM Communications Company is directed to appear and give evidence upon the issues specified below at a hearing to be held at a time and place to be specified by subsequent order before an Administrative Law Judge, unless the hearing is waived in which event a written statement may be submitted:

1. To determine if TMC's cable television system at Escondido, California possesses the capability to permit the use of additional channels or channel space for access programming by any of the following means:

- (a) In the mid-band.
- (b) On that portion of the system that has been expanded to 20-channel capacity.
- (c) During that portion of the day when broadcast channels are blacked-out because of network nonduplication or syndicated exclusivity protection.

2. To determine if Pacific Cablevision has been and is willing to supply converters for the purpose of its proposed pay cable operation on TMC's Escondido, California, cable television system without obligation to TMC.

3. To determine if TMC refused Pacific's request to allow Pacific to ascertain whether another mid-band channel could be intro-

⁷ Paragraph 13 of the Report and Order in Docket 20508, supra, at p. 298.

⁸ See former Section 76.251(c).

duced on TMC's Escondido, California, cable television system without objectionable interference.

4. To determine if TMC or any other entity does provide or has provided any non-broadcast programming apart from the basic broadcast services available on TMC's Escondido, California, cable television system.

5. To determine if TMC has made a reasonable effort to provide channel time within the meaning of § 76.254(f) to Pacific Cablevision for local non-operator presentation of cablecast programs on TMC's Escondido, California, cable television system.

6. To determine whether TM Communications Company should be ordered to cease and desist from violating Part 76 of the Commission's Rules and Regulations.

It is further ordered, That the Cable Television Bureau is made a party to this proceeding.

It is further ordered, That Pacific Cablevision is also made a party to this proceeding.

It is further ordered, That the Secretary of the Federal Communications Commission shall send copies of this order by certified mail to TM Communications Company, Escondido, California.

FEDERAL COMMUNICATIONS
COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc.76-33443 Filed 11-11-76; 8:45 am]

DEPARTMENT OF STATE

[Public Notice CM-6/129]

FINE ARTS COMMITTEE

Meeting

The Fine Arts Committee will hold its Fall meeting on Monday, December 6 and Tuesday, December 7. The meeting on December 6 will be for the full Committee at 2:00 p.m. in the John Quincy Adams State Drawing Room in the Diplomatic Reception Rooms. On December 7 the Finance Committee will meet at 11:15 a.m. in the John Quincy Adams State Drawing Room.

The agenda for the full Committee meeting will include a summary of the work of the Fine Arts Committee since its last meeting, the announcement of all gifts and loans during calendar year 1976, as well as a discussion of future architectural changes in the Diplomatic Reception Rooms. The agenda for the Finance Committee will be a discussion of the present and long term financial needs of the Fine Arts Committee.

The meetings are open to the public. The public may take part in the discussion as long as time permits and at the discretion of the Chairman. Because of State Department security requirements, anyone wishing to attend the meetings should telephone the Fine Arts Office before Friday, December 3, 1976, telephone (202) 632-0298 to make arrangements to enter the building.

Dated: November 4, 1976.

CLEMENT E. CONGER,
Chairman,
Fine Arts Committee.

[FR Doc.76-33553 Filed 11-11-76; 8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

ADVISORY COMMITTEES

Meetings

This notice announces forthcoming meetings of the public advisory committees of the Food and Drug Administration. It also sets out a summary of the

procedures governing the committee meetings and the methods by which interested persons may participate in the open public hearings conducted by the committees. The notice is issued under section 10(a) (1) and (2) of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770-776 (5 U.S.C. App. D)). The following advisory committee meetings are announced:

Committee name	Date, time, and place	Type of meeting and contact person
1. Panel on Review of Dentifrices and Dental Care Agents.	Dec. 1 and 2, 9 a.m., conference rooms G and H, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open public hearing Dec. 1, 9 a.m. to 10 a.m.; closed committee deliberations Dec. 1, 10 a.m. to 4:30 p.m.; Dec. 2, 9 a.m. to 4:30 p.m.; Michael D. Kennedy, (HFD-510), 5600 Fishers Lane, Rockville, Md. 20857, 301-443-4960.

views and evaluates available data concerning the safety and effectiveness of nonprescription drug products.

Agenda—Open public hearing. Any interested person may present data, information, or views, orally or in writing, on issues pending before the committee. Explanation will be given of new FDA policy concerning open meetings.

Closed committee deliberations. The panel will be reviewing, voting upon and

modifying the content of summary minutes and categorization of ingredients and claims.

The panel will be reviewing, voting upon and modifying draft No. 5 of its final report in preparation for submission to the Commissioner.

This portion of the meeting will be closed to permit discussion of trade secret data and to protect the free exchange of internal views (5 U.S.C. 552(b) (4) and (5)).

Committee name	Date, time, and place	Type of meeting and contact person
2. Panel on Review of Anti-perspirant Drug Products.	Dec. 2 and 3, 9 a.m., conference room B, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open public hearing Dec. 2, 9 a.m. to 10 a.m.; closed committee deliberations Dec. 2, 10 a.m. to 4:30 p.m.; Dec. 3, 9 a.m. to 4:30 p.m.; Lee Geismar, (HFD-510), 5600 Fishers Lane, Rockville, Md. 20857, 301-443-4960.

General function of the committee. Reviews and evaluates available data concerning the safety and effectiveness of nonprescription drug products.

Agenda—Open public hearing. Any interested person may present data, information, or views, orally or in writing, on issues pending before the committee. Explanation will be given of new FDA policy concerning open meetings.

Closed committee deliberations. The panel will review data submitted in confidence pursuant to the OTC review's call for data for this panel (see also 21 CFR 330.10(a) (2)). This will include product names, formulas and formulation process data, sales data, and in some cases, portions of pending or approved new drug applications (NDA's). Also, discussion relating to labeling, drug class standards

and testing will often be intermixed with discussion of formulas, sales data or NDA material in such a way that the two discussions often cannot be separated without seriously impeding the progress of the panel's deliberations.

The panel will be reviewing, voting upon and modifying the content of summary minutes and categorization of ingredients and claims.

The panel will be reviewing, voting upon and modifying draft No. 1 of its final report in preparation for submission to the Commissioner.

This portion of the meeting will be closed to permit discussion of trade secret data and to protect the free exchange of internal views (5 U.S.C. 552(b) (4) and (5)).

Committee name	Date, time, and place	Type of meeting and contact person
3. Panel on Review of Ophthalmic Drug Products.	Dec. 3 and 4, 9 a.m., conference room H, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open public hearing Dec. 3, 9 a.m. to 10 a.m.; closed committee deliberations Dec. 3, 10 a.m. to 4:30 p.m.; Dec. 4, 9 a.m. to 4:30 p.m.; John T. McElroy, (HFD-510), 5600 Fishers Lane, Rockville, Md. 20857, 301-443-4960.

General function of the committee. Reviews and evaluates available data concerning the safety and effectiveness of nonprescription drug products.

Agenda—Open public hearing. Any interested person may present data, information, or views, orally or in writing, on issues pending before the committee. Explanation will be given of new FDA policy concerning open meetings.

Closed committee deliberations. The panel will review data submitted in confidence pursuant to the OTC review's call for data for this panel (see also 21 CFR 330.10(a) (2)). This will include product names, formulas and formulation process data, sales data, and in some cases, portions of pending or approved new drug applications (NDA's). Also, discussion relating to labeling, drug class

standards and testing will often be intermixed with discussion of formulas, sales data or NDA material in such a way that the two discussions often cannot be separated without seriously impeding the progress of the panel's deliberations.

The panel will be reviewing, voting upon and modifying the content of summary minutes and categorization of ingredients and claims.

The panel will be reviewing, voting upon and modifying draft No. 7 of its final report in preparation for submission to the Commissioner.

This portion of the meeting will be closed to permit discussion of trade secret data and to protect the free exchange of internal views (5 U.S.C. 552 (b) (4) and (5)).

Committee name	Date, time, and place	Type of meeting and contact person
4. Subcommittee on Pediatric Nuclear Medicine of the Radiopharmaceutical Advisory Committee.	Dec. 3 and 4; on Dec. 3, 9 a.m., conference room 1, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.; on Dec. 4, 9 a.m., Pennsylvania Room, Holiday Inn, 8120 Wisconsin Ave., Bethesda, Md.	Open public hearing Dec. 3, 9 a.m. to 10 a.m.; open committee discussion Dec. 3, 10 a.m. to 5 p.m., Dec. 4, 9 a.m. to 2 p.m.; C. H. Maxwell, M.D., (HFD-150), 5600 Fishers Lane, Rockville, Md. 20857, 301-443-5197.

General function of the committee. Reviews and evaluates available data concerning the safety and effectiveness of marketed and investigational prescription drugs for use in the practice of nuclear medicine.

Agenda—Open public hearing. Any interested person may present data, information, or views, orally or in writing, on issues pending before the committee.

Open committee discussion. Discussion of pediatric use of commercially available radiopharmaceutical drug products.

Committee name	Date, time, and place	Type of meeting and contact person
5. Ophthalmic Drugs Advisory Committee.	Dec. 6, 9 a.m., conference room A, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open public hearing 9 a.m. to 10 a.m.; open committee discussion 10 a.m. to 4 p.m.; Mary K. Bruch, (HFD-140), 5600 Fishers Lane, Rockville, Md. 20857, 301-443-4310.

General function of the committee. Reviews and evaluates available data concerning safety and effectiveness of marketed and investigational prescription drugs for use in diseases and disorders of the eye.

Agenda—Open public hearing. Any interested person may present data, information, or views, orally or in writing, on issues pending before the committee.

Open committee discussion. Discussion

of the use of specular microscopy in clinical investigations; revised FDA policy on open advisory committee meetings, presented by Carl M. Leventhal, M.D.; report on FDA actions on FDA ophthalmic adverse reaction report and review of completed draft guidelines for clinical study of extended-wear contact lenses; and committee deliberation of agenda items.

Committee name	Date, time, and place	Type of meeting and contact person
6. Implants and Biomaterials Subcommittee of the Ear, Nose, and Throat Device Classification Panel.	Dec. 6 and 7, 9 a.m., room 6821, FB-8, 200 C St. SW., Washington, D.C.	Open public hearing Dec. 6, 9 a.m. to 10 a.m.; open committee discussion Dec. 6, 10 a.m. to 4:30 p.m., Dec. 7, 9 a.m. to 4:30 p.m.; Harry R. Sanberman, (HFK-440), 8757 Georgia Ave., Silver Spring, Md. 20910, 301-427-7226.

General function of the committee. Reviews and evaluates available data concerning the safety and effectiveness of devices currently in use and makes recommendations for their regulation.

Agenda—Open public hearing. Interested parties are encouraged to present information pertinent to devices to be reviewed at this meeting to devices to be reviewed at this meeting to Harry R. Sanberman, P. E., Executive Secretary. Submission of data relative to tentative classification findings is also invited.

Open committee discussion. The subcommittee will review published documentation on ear, nose, and throat (ENT) implants and biomaterials, and will complete supplementary classification data for these devices. The documentation resulting from this meeting will be presented to the full ENT panel for formal approval when it meets on December 13 and 14, 1976.

Devices to be reviewed include middle and inner ear implants, esophageal implants, nasal implants, laryngeal implants, facial implants, and ENT prosthetic materials. The specific device categories are as follows: middle ear implants: stainless steel middle ear tubes, polymer middle ear tubes, multiple material middle ear tubes, polymer (teflon silastic) middle earmolds, supramid middle earmolds, metal ossicular replacement polymer ossicular replacement, multiple material ossicular replacement, and sacculotomy tacks; inner ear implants: cochlear implant; esophageal implants: esophageal prosthesis and esophageal tubes; nasal implants: columella, nasal struts, septal implants, and nasopharyngeal implants; laryngeal implants: laryngeal prosthesis and teflon paste; facial implants: facial prosthesis, mandibular implants, and

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maxillofacial implants; prosthetic materials; gelfoam, gelfilm, plasti-pore, tantalum prosthesis wire, platinum implant material, teflon implant material, silastic

implant material, ceramic implant material, polycarbonate implant material, suture material, tissue glues, and proplast.

Committee name	Date, time, and place	Type of meeting and contact person
7. Panel on Review of Oral Cavity Drug Products.	Dec. 9 and 10, 9 a.m., conference room C, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open public hearing Dec. 9, 9 a.m. to 10 a.m.; closed committee deliberations Dec. 9, 10 a.m. to 4:30 p.m., Dec. 10, 9 a.m. to 4:30 p.m.; John T. McElroy, (HFD-510), 5600 Fishers Lane, Rockville, Md. 20857, 301-443-4960.

General function of the committee. Reviews and evaluates available data concerning the safety and effectiveness of nonprescription drug products.

Agenda—Open public hearing. Any interested person may present data, information, or views, orally or in writing, on issues pending before the committee. Explanation will be given of new FDA policy concerning open meetings.

Closed committee deliberations. The panel will review data submitted in confidence pursuant to the OTC review's call for data for this panel (see also 21 CFR 330.10(a)(2)). This will include product names, formulas and formulation process data, sales data, and in some cases, portions of pending or approved new drug applications (NDA's). Also, discussion relating to labeling, drug class standards

and testing will often be intermixed with discussion of formulas, sales data or NDA material in such a way that the two discussions often cannot be separated without seriously impeding the progress of the panel's deliberations.

The panel will be reviewing, voting upon and modifying the content of summary minutes and categorization of ingredients and claims.

The panel will be reviewing, voting upon and modifying draft No. 2 of its final report in preparation for submission to the Commissioner.

This portion of the meeting will be closed to permit discussion of trade secret data and to protect the free exchange of internal views (5 U.S.C. 552(b)(4) and (5)).

Committee name	Date, time, and place	Type of meeting and contact person
8. Surgical Drugs Advisory Committee.	Dec. 10, 9 a.m., conference room B, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open committee discussion 9 a.m. to 12 a.m.; open public hearing 1 p.m. to 2 p.m.; closed committee deliberations 2 p.m. to 4 p.m.; Gerald M. Rachanow, (HFD-160), 5600 Fishers Lane, Rockville, Md. 20857, 301-443-3500.

General function of the committee. Reviews and evaluates available data concerning safety and effectiveness of marketed and investigational prescription drugs for use in the field of surgery.

Agenda—Open public hearing. Any interested person may present information, data, or views, orally or in writing, on issues pending before the committee.

Open committee discussion. Discussion of changes in FDA advisory committee

procedures; future use of injectable liquid silicone; presentation by Dow Corning Corp.; and labeling for methyl methacrylate bone cements.

Closed committee deliberations. Review of investigational new drug application (IND 12,470) and IND's presently under consideration. This portion of the meeting will be closed to permit presentation of trade secret data (5 U.S.C. 552(b)(4)).

Committee name	Date, time, and place	Type of meeting and contact person
9. Panel on Review of Allergenic Extracts.	Dec. 10 and 11, 9 a.m., room 130, 6110 Executive Blvd., Rockville, Md.	Open public hearing Dec. 10, 9 a.m. to 10 a.m.; closed committee deliberations Dec. 10, 10 a.m. to 5 p.m., Dec. 11, 8:30 a.m. to adjournment; Clay Sisk, (HFD-5), 8800 Rockville Pike, Bethesda, Md. 20014, 301-443-5455.

General function of the committee. Reviews and evaluates available data concerning the safety and effectiveness of biological products.

Agenda—Open public hearing. Discussion of minutes of last meeting and open committee meetings. Any interested person may present information, data, or views, orally or in writing, on issues pending before the panel.

Closed committee deliberations. Review of data submissions from allergenic

extract producers and draft recommendations for food and epidermal extracts and consideration of recommendations for further testing and for labeling for allergenic extracts. This portion of the meeting will be closed to permit discussion of trade secret data and to allow for the free exchange of internal views and formulation of recommendations (5 U.S.C. 552(b)(4) and (5)).

Committee name	Date, time, and place	Type of meeting and contact person
10. Panel on Review of Miscellaneous Internal Drug Products.	Dec. 12 and 13, 9 a.m. on Dec. 13, conference room A, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Closed committee deliberations Dec. 12, 9 a.m. to 4:30 p.m.; open public hearing Dec. 13, 9 a.m. to 10 a.m.; closed committee deliberations Dec. 13, 10 a.m. to 4:30 p.m.; Armond M. Welch, (HFD-510), 5600 Fishers Lane, Rockville, Md. 20857, 301-443-4900.

General function of the committee. Reviews and evaluates available data concerning the safety and effectiveness of nonprescription drug products.

Agenda—Open public hearing. Any interested person may present data, information, or views, orally or in writing, on issues pending before the committee. Explanation will be given of new FDA policy concerning open meetings.

Closed committee deliberations. The panel will review data submitted in confidence pursuant to the OTC review's call for data for this panel (see also 21 CFR 330.10(a)(2)). This will include product names, formulas and formulation process data, sales data, and in some cases, portions of pending or approved

new drug applications (NDA's). Also, discussions relating to drug class standards and testing will often be intermixed with discussion of formulas, sales data or NDA material in such a way that the two discussions often cannot be separated without seriously impeding the progress of the panel's deliberations.

The panel will be reviewing, voting upon and modifying the content of summary minutes and categorization of ingredients and claims.

This portion of the meeting will be closed to permit discussion of trade secret data and to protect the free exchange of internal views (5 U.S.C. 552(b) (4) and (5)).

Committee name	Date, time, and place	Type of meeting and contact person
11. Ear, Nose, and Throat Device Classification Panel	Dec. 13 and 14, 9 a.m., room 6821, PB-8, 200 C St. SW., Washington, D.C.	Open public hearing Dec. 13, 9 a.m. to 10 a.m.; open committee discussion Dec. 13, 10 a.m. to 4:30 p.m., Dec. 14, 9 a.m. to 4:30 p.m.; Harry R. Sauberman, P.E., (HFK-450), 8757 Georgia Ave., Silver Spring, Md. 20910, 301-427-7226.

General function of the committee. Reviews and evaluates available data concerning the safety and effectiveness of devices currently in use and makes recommendations for their regulation.

Agenda—Open public hearing. Interested parties are encouraged to present information pertinent to devices to be classified at this meeting to Harry R. Sauberman, P.E., Executive Secretary. Submission of data relative to tentative classification findings is also invited.

Open committee discussion. Review of panel members' comments on draft copy of procedural handbook for advisory panel members and executive secretaries. Completion and review of supplementary classification data sheets for middle and inner ear implants, esophageal implants, nasal implants, laryngeal implants, facial implants, and ear, nose, and throat (ENT) prosthetic materials. These include the following devices: *middle ear implants*: stainless steel middle ear tubes, polymer middle ear tubes, multiple material middle ear tubes, polymer (teflon, silastic) middle earmolds, supramid middle earmolds, metal ossicular replacement, polymer ossicular replacement, multiple material ossicular replacement, and sacculotomy tacks; *inner*

ear implants: cochlear implant; *esophageal implants*: esophageal prosthesis and esophageal tubes; *nasal implants*: columella, nasal struts, septal implants, and nasopharyngeal implants; *laryngeal implants*: laryngeal prosthesis and teflon paste; *facial implants*: facial prosthesis, mandibular implants, and maxillofacial implants; *prosthetic materials*: gelfoam, gelfilm, plasti-pore, tantalum prosthesis wire, platinum implant material, teflon implant material, silastic implant material; ceramic implant material, polycarbonate implant material, suture material, tissue glues, and proplast. As time is available, the panel will also complete supplementary data sheets for the following devices: acoustic chambers, air conduction transducers, bone conduction transducers, hearing trumpets, mechanical noise generators, sili adaptors, tuning forks, gustometers, nasomanometers, Toynbee diagnostic tubes, transillumina-tors, cuspidors, powered ENT examining/treatment chairs, ENT examining/treatment tables, ENT treatment units, oral lavage units, otoplasty prosthesis, rhinoplasty prosthesis, cutting blocks, gelfoam punch, ossicular finger vise, piston cutting jigs, wire bending die, wire closure forceps, wire crimpers, and wire cutting scissors.

Committee name	Date, time, and place	Type of meeting and contact person
12. Gastrointestinal Drugs Advisory Committee	Dec. 13 and 14, 9 a.m., conference rooms G and H, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open public hearing Dec. 13, 9 a.m. to 10 a.m.; closed presentation of data Dec. 13, 10 a.m. to 5 p.m., Dec. 14, 9 a.m. to 12 a.m.; closed committee deliberations Dec. 14, 1 p.m. to 3 p.m.; Joan C. Standaert, (HFD-110), 5600 Fishers Lane, Rockville, Md. 20857, 301-443-4730.

General function of the committee. Reviews and evaluates available data concerning the safety and effectiveness of marketed and investigational prescription drugs for use in gastrointestinal diseases.

Agenda—Open public hearing. Discussion of new drug application (NDA 17-920 (Tagamet)) and the FDA action re-

port to committee. Any interested person may present data, information, or views, orally or in writing, on issues pending before the committee.

Closed presentation of data. Presentation of data on NDA 17-920 (Tagamet) Cimetidine—Smith Kline and French. This portion of the meeting will be closed to protect trade secret data and unpublished data and to protect personnel and

medical files (5 U.S.C. 552(b)(4) and (6)).

Closed committee deliberations. Discussion of NDA 17-920. This portion of

the meeting will be closed to protect trade secret data and to protect personnel and medical files (5 U.S.C. 552(b)(4) and (6)).

Committee name	Date, time, and place	Type of meeting and contact person
13. Panel on Review of Vitamin, Mineral, and Hematinic Drug Products	Dec. 14 and 15, 9 a.m. on Dec. 15, room 4173, HEW-N, 330 Independence Ave., Washington, D.C.	Closed committee deliberations Dec. 14, 9 a.m. to 4:30 p.m.; open public hearing Dec. 15, 9 a.m. to 10 a.m.; closed committee deliberations Dec. 15, 10 a.m. to 4:30 p.m.; Thomas D. DeCillis, (HFD-510), 5600 Fishers Lane, Rockville, Md. 20857, 301-443-4960.

General function of the committee. Reviews and evaluates available data concerning the safety and effectiveness of nonprescription drug products.

Agenda—Open public hearing. Any interested person may present data, information, or views, orally or in writing, on issues pending before the committee. Explanation will be given of new FDA policy concerning open meetings.

Closed committee deliberations. The panel will review data submitted in confidence pursuant to the OTC review's call for data for this panel (see also 21 CFR 330.10(a)(2)). This will include product names, formulas and formulation process data, sales data, and in some cases, portions of labeling, drug class standards and testing will often be intermixed with

discussion of formulas, sales data or NDA material in such a way that the two discussions often cannot be separated without seriously impeding the progress of the panel's deliberations.

The panel will be reviewing, voting upon and modifying the content of summary minutes and categorization of ingredients and claims.

The panel will be reviewing, voting upon and modifying draft No. 5 of its final report in preparation for submission to the Commissioner.

This portion of the meeting will be closed to permit discussion of trade secret data and to protect the free exchange of internal views (5 U.S.C. 552(b)(4) and (5)).

Committee name	Date, time, and place	Type of meeting and contact person
14. Dermatology Advisory Committee	Dec. 15, 9 a.m., conference room G, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open public hearing 9 a.m. to 10 a.m.; open committee discussion 10 a.m. to 4 p.m.; Mary K. Bruch, (HFD-140), 5600 Fishers Lane, Rockville, Md. 20857, 301-443-4310.

General function of the committee. Reviews and evaluates available data concerning the safety and effectiveness of presently marketed and new prescription drug products proposed for marketing for use in the practice of dermatology.

Agenda—Open public hearing. Any interested person may present data, information, or views, orally or in writing, on issues pending before the committee.

Open committee discussion. Discussion of labeling review for 1 percent lindane preparations; review of corticosteroid guidelines; review of safety studies on new drug application (NDA 50-493 (Topicycline)); update of FDA actions and psoriasis review on PUVA and azaribine; and committee deliberations of agenda items.

Committee name	Date, time, and place	Type of meeting and contact person
15. Panel on Review of Topical Analgesics	Dec. 15 and 16, 9 a.m., conference room B, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open public hearing Dec. 15, 9 a.m. to 10 a.m.; open committee discussion Dec. 15, 10 a.m. to 4:30 p.m., Dec. 16, 9 a.m. to 4:30 p.m.; Lee Gelsmar, (HFD-510), 5600 Fishers Lane, Rockville, Md. 20857, 301-443-4960.

General function of the committee. Reviews and evaluates available data concerning the safety and effectiveness of nonprescription drug products.

Agenda—Open public hearing. Any interested person may present data, information, or views, orally or in writing, on issues pending before the committee.

Open committee discussion. The panel will review data submitted pursuant to the OTC review's call for data for this panel (see also 21 CFR 330.10(a)(2)).

Committee name	Date, time, and place	Type of meeting and contact person
16. Panel on Review of Contraceptives and Other Vaginal Drug Products	Dec. 16 and 17, 9 a.m., conference room B, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open public hearing Dec. 16, 9 a.m. to 10 a.m.; open committee discussion Dec. 16, 10 a.m. to 4:30 p.m., Dec. 17, 9 a.m. to 4:30 p.m.; Armond M. Welch, (HFD-510), 5600 Fishers Lane, Rockville, Md. 20857, 301-443-4960.

General function of the committee. Reviews and evaluates available data concerning the safety and effectiveness of nonprescription drug products.

Agenda—Open public hearing. Any interested person may present data, information, or views, orally or in writing, on issues pending before the committee.

Open committee discussion. The panel will review data submitted pursuant to the OTC review's call for data for this panel (see also 21 CFR 330.10(a)(2)).

Each public advisory committee meeting listed above may have as many as four separable portions: (1) An open public hearing, (2) an open committee discussion, (3) a closed presentation of data, and (4) a closed committee deliberation. Every advisory committee meeting shall have an open public hearing. Whether or not it also includes any of the other three portions will depend upon the specific meeting involved. The dates and times reserved for the separated portions of each committee meeting are listed above.

The open public hearing portion of each meeting shall be at least 1 hour long unless public participation does not last that long. It is emphasized, however, that the 1 hour time limit for an open public hearing represents a minimum rather than a maximum time for public participation, and an open public hearing may last for whatever longer period the committee chairman determines will facilitate the committee's work.

Meetings of advisory committees shall be conducted, insofar as is practical, in accordance with the agenda published in this FEDERAL REGISTER notice. Changes in the agenda will be announced at the beginning of the open portion of a meeting.

Any interested person who wishes to be assured of the right to make an oral presentation at the open public hearing portion of a meeting shall inform the contact person listed above, either orally or in writing, prior to the meeting. Any person attending the hearing who does not in advance of the meeting request an opportunity to speak will be allowed to make an oral presentation at the hearing's conclusion, if time permits, at the chairman's discretion.

Persons interested in specific agenda items to be discussed in open session may ascertain from the contact person the approximate time of discussion.

The Commissioner, with the concurrence of the Chief Counsel, has determined for the reasons stated that those portions of the advisory committee meetings so designated in this notice shall be closed. Both the Federal Advisory Committee Act and 5 U.S.C. 552(b) permit such closed advisory committee meetings in certain circumstances. Those portions of a meeting designated as closed shall, however, be closed for the shortest time possible consistent with the intent of the cited statutes.

Generally, FDA advisory committees will be closed because the subject matter is exempt from public disclosure under 5 U.S.C. 552(b)(4), (5), (6), or (7), although on occasion the other exemptions listed in 5 U.S.C. 552(b) may also apply. Thus, a portion of a meeting may be closed where the matter involves a trade secret; commercial or financial information that is privileged or confidential;

personnel, medical, and similar files, disclosure of which could be an unwarranted invasion of personal privacy; and investigatory files compiled for law enforcement purposes. A portion of a meeting may also be closed if the Commissioner determines: (1) That it involves inter-agency or intra-agency memoranda or discussion and deliberations of matters that, if in writing would constitute such memoranda, and which would, therefore, be exempt from public disclosure; and (2) that it is essential to close such portion of a meeting to protect the free exchange of internal views and to avoid undue interference with agency or committee operations.

Examples of matters to be considered at closed portions are those related to the review, discussion, evaluation or ranking of grant applications; the review, discussion, and evaluation of specific drugs or devices; the deliberation and voting relative to the formation of specific regulatory recommendations (general discussions, however, will generally be done during the open committee discussion portion of the meeting); review of trade secrets or confidential data; consideration of matters involving FDA investigatory files; and review of medical records of individuals.

Examples of matters that ordinarily will be considered at open meetings are those related to the review, discussion, and evaluation of general preclinical and clinical test protocols and procedures for a class of drugs or devices, consideration of labeling requirements for a class of marketed drugs and devices, review of data and information on specific investigational or marketed drugs and devices that have previously been made public, and presentation of any other data or information that is not exempt from public disclosure.

Dated: November 9, 1976.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

[FR Doc. 76-33510 Filed 11-11-76; 8:45 am]

[Docket No. 76C-0376]

COLOR ADDITIVES

Denial of Petition for Permanent Listing of Carbon Black

Correction

In FR Doc. 27820, appearing at page 41867, in the issue of Thursday, September 23, 1976, on page 41868, column 1, in the paragraph beginning with "Any person who will be * * *" on the 4th from the last line in that paragraph, the word "hearing" should read "heading".

[Docket No. 76D-0395]

MARKETED NEW DRUGS WITHOUT NEW DRUG APPLICATIONS

Availability of Guideline

Correction

In FR Doc. 76-27968, appearing at page 41770 in the issue of Thursday, Sep-

tember 23, 1976, in the 2nd column, paragraph 2, line 10, the date should read "June 20, 1975" instead of June 30, 1975.

PANEL ON REVIEW OF MISCELLANEOUS INTERNAL DRUG PRODUCTS

Meeting Cancellation

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463, 86 Stat. 770-776 (5 U.S.C. App. I)), the Food and Drug Administration announced in a notice published in the FEDERAL REGISTER of October 15, 1976 (41 FR 45608), public advisory committee meetings and other required information in accordance with provisions set forth in section 10(a) (1) and (2) of the act.

Notice is hereby given that the meeting of the Panel on Review of Miscellaneous Internal Drug Products scheduled for November 14 and 15, 1976, has been cancelled.

Dated: November 9, 1976.

JOSEPH P. HILE,
Associate Commissioner for
Compliance.

[FR Doc. 76-33511 Filed 11-11-76; 8:45 am]

Health Resources Administration

DESIGNATION OF HEALTH SERVICE AREA

Application Information; Determination of Population

Section 1511 of the Public Health Service Act, as added by the National Health Planning and Resources Development Act of 1974 (Pub. L. 93-641, January 4, 1975), requires the establishment of health service areas throughout the United States. On January 21, 1975, in accordance with section 1511(b)(1) of the Act, the Secretary of Health, Education, and Welfare notified the Governors of the States, the Commonwealth of Puerto Rico, and the Mayor of the District of Columbia of the initiation of proceedings to establish health service areas. Health service areas were then designated in response to the health service area designation plans submitted by the Governors, and a listing was published as a Notice in the FEDERAL REGISTER of September 2, 1975, (40 FR 40306-40315). (Later correction notices also were published in the FEDERAL REGISTER of January 5, 1976, (41 FR 804-805) and July 29, 1976, (41 FR 31600).)

Pursuant to section 1536 of the Act, certain States (District of Columbia, Rhode Island and Hawaii) as well as the Virgin Islands, Guam, the Trust Territories of the Pacific Islands and American Samoa do not have health service areas established within them or health system agencies designated for them. Vermont applied for exemption under section 1536 of the Act but was found ineligible. The Governor of Vermont was requested to designate health service area boundaries within the State.

The health service area boundaries submitted by the Governor of Vermont have been reviewed and approved by the Secretary. Accordingly, pursuant to the requirement of section 1511(b)(3) of the

Act, the State of Vermont shall constitute, upon this publication in the FEDERAL REGISTER, a single health service area for the State.

In addition, notice is hereby given that application materials are available in DHEW Regional Office I for entities interested in applying for designation as the Health System Agency (HSA) for Vermont. This health systems agency will be responsible for health planning for the health service area, and the promotion of the development of health services, manpower, and facilities which meet identified needs, reduce documented inefficiencies, and implement the health plans of the agency.

Those entities interested in applying for designation must file a letter of intent to apply for such designation with DHEW Regional Office I by November 26, 1976, and an application by January 26, 1977. The deadline for submission of Governor's comments will be February 28, 1977.

Application materials and further information may be obtained from the Regional Health Administrator, DHEW Regional Office I, John F. Kennedy Federal Building, 14th Floor, Boston, MA 02203.

Once the health systems agency is designated, it will be entitled to receive a planning grant under section 1516 of the Act. The amount of the planning grant will be determined in accordance with a formula set forth in the regulations governing this program (42 CFR Part 122, Subpart C), and will be based, in part, upon a determination by the Secretary of the population of the health service area. Section 122.205 of the governing regulations provides that the Secretary will determine the populations of such areas based upon the latest available estimate from the Department of Commerce and will publish annually in the FEDERAL REGISTER a list of all health service areas and their populations. A Notice to this effect was published on September 16, 1976, (41 FR 39825-39827). The population of the State of Vermont was excluded from that Notice since at that time no health service areas were designated within the State. A determination has now been made that the population of Vermont for this purpose is 465,800.

Dated: November 9, 1976.

KENNETH M. ENDICOTT,
Administrator,
Health Resources Administration.

[FR Doc. 76-33427 Filed 11-11-76; 8:45 am]

National Institutes of Health

CANCER CONTROL COMMUNITY ACTIVITIES REVIEW COMMITTEE AND CANCER CONTROL GRANT REVIEW COMMITTEE

Amended Notice of Meeting

Notice is hereby given of a change in the joint meeting on November 28-29, 1976, 8:30 a.m., National Institutes of Health, Building 31, Conference Room 7, of the Cancer Control Community Activities Review Committee and the Cancer Control Grant Review Committee,

National Cancer Institute, which was published in the *FEDERAL REGISTER* October 8, 1976, 41 FR 44445-46.

These Committees were to have convened at 8:30 a.m. on November 28-29, but the session to be held November 28 has been cancelled and the Committees will meet on November 29-30, 1976, instead, National Institutes of Health, Building 31, Conference Room 7.

The meeting will be open to the public one day only, November 29, 1976, from 8:30 a.m. to 9:00 a.m.

Dated: October 28, 1976.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.76-33419 Filed 11-11-76;8:45 am]

DEVELOPMENTAL THERAPEUTICS COMMITTEE

Meeting Cancellation

Notice is hereby given of the cancellation of the meeting of the Developmental Therapeutics Committee, Experimental Therapeutics Program, Division of Cancer Treatment, National Cancer Institute, November 30, 1976, Blair Building, Room 110, Silver Spring, Maryland which was published in the *FEDERAL REGISTER* on October 8, 1976. (41 FR 44444).

Dated: November 2, 1976.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.76-33418 Filed 11-11-76;8:45 am]

NATIONAL HEART, LUNG, AND BLOOD ADVISORY COUNCIL

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the National Heart, Lung, and Blood Advisory Council, National Heart, Lung, and Blood Institute, December 2-3, 1976, from 9:00 a.m. to 5:00 p.m. in Building 31, Conference Room 10, Bethesda, Maryland. This meeting will be open to the public on December 2 from 9:00 a.m. to 5:00 p.m. and on December 3 from 9:00 a.m. to 3:00 p.m. to discuss program policies and issues. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in sections 552(b)(4), 552(b)(5) and 552(b)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92-463, the meeting of the Council will be closed to the public on December 3 from 3:00 p.m. to adjournment for the review, discussion and evaluation of individual initial pending, supplemental and renewal grant applications. The closed portion of the meeting involves solely the internal expression of views and judgments of committee members on individual grant applications containing detailed research protocols, designs, and other technical information; financial data, such as salaries, and personal information concerning individuals associated with the applications.

Mr. York Onnen, Chief, Public Inquiries and Reports Branch, National Heart, Lung, and Blood Institute, Building 31, Room 5A03, National Institutes of Health, Bethesda, Maryland 20014, (301) 496-4236, will provide summaries of the meetings and rosters of the Council members.

Dr. Jerome G. Green, Director of Extramural Affairs, NHLBI, Westwood Building, Room 7A18, (301) 496-7416, will provide substantive program information.

Dated: November 2, 1976.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

(Catalog of Federal Domestic Assistance Program Nos. 13.837, 13.838, and 13.839, National Institutes of Health.)

[FR Doc.76-33423 Filed 11-11-76;8:45 am]

PULMONARY DISEASES ADVISORY COMMITTEE

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Pulmonary Diseases Advisory Committee, National Heart, Lung, and Blood Institute, on February 25 and 26, 1977, in Conference Room 7, Building 31, at the National Institutes of Health, Bethesda, Maryland.

The entire meeting will be open to the public from 8:30 a.m. to 5:00 p.m. on February 25, and from 8:30 a.m. to 2:00 p.m. on February 26, to discuss recommended initiatives for the Division of Lung Diseases. Attendance by the public will be limited to the space available.

Mr. York Onnen, Chief, Public Inquiries and Reports Branch, National Heart, Lung, and Blood Institute, Building 31, Room 5A03, National Institutes of Health, Bethesda, Maryland 20014, phone (301) 496-4236, will provide summaries of the meeting and rosters of the committee members.

Dr. Malvina Schweizer, Executive Secretary of the Committee, Westwood Building, Room 6A16, National Institutes of Health, Bethesda, Maryland 20014, phone (301) 496-7208, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.838, National Institutes of Health.)

Dated: November 1, 1976.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.76-33424 Filed 11-11-76;8:45 am]

REVIEW OF RESEARCH GRANT APPLICATIONS

Meetings

Pursuant to Pub. L. 92-463, notice is hereby given of the meetings of committees advisory to the National Cancer Institute.

These meetings will be open to the public to discuss administrative details or

other issues relating to committee business as indicated in the notice. Attendance by the public will be limited to space available.

These meetings will be closed to the public as indicated below in accordance with the provisions set forth in sections 552(b)(4), 552(b)(5) and 552(b)(6) of Title 5, U.S. Code and section 10(d) of Pub. L. 92-463, for the review, discussion and evaluation of individual initial pending, supplemental, and renewal grant applications. The closed portions of the meetings involve solely the internal expression of views and judgments of committee members on individual grant applications containing detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the applications.

Mrs. Marjorie F. Early, Committee Management Officer, NCI, Building 31, Room 4B43, National Institutes of Health, Bethesda, Maryland 20014 (301/496-5708) will furnish summaries of the meetings and rosters of committee members upon request. Other information pertaining to the meeting can be obtained from the Executive Secretary indicated. Meetings are held at the National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20014, unless otherwise stated.

Name of Committee: National Bladder Cancer Project Working Cadre.

Dates: December 1-2, 1976; 1:30 p.m.

Place: Deauville Hotel, 67th Street-Collins Avenue, Miami Beach, Florida.

Times: Open—December 1, 1:30 p.m.-5:30 p.m. Closed—December 1, 7:30 p.m.-10:30 p.m.; December 2, 8:30 a.m.-adjournment.

Closure reason: To review research grant applications.

Executive Secretary: Dr. Olga G. Joly, Westwood Building, Room 853, National Institutes of Health, 301-496-7194.

(Catalog of Federal Domestic Assistance Number 13.393; 13.394; 13.395, National Institutes of Health.)

Name of committee: National Large Bowel Cancer Project Working Cadre.

Dates: December 2-3, 1976; 7:30 p.m.

Place: Anderson Mayfair Hotel, 1600 Holcombe Boulevard, Houston, Texas.

Times: Open—December 2, 7:30 p.m.-8:30 p.m. Closed—December 2, 8:30 p.m.-10:00 p.m.; December 3, 8:30 a.m.-adjournment.

Closure reason: To review research grant applications.

Executive Secretary: Dr. Andrew Chiarodo, Westwood Building, Room 853, National Institutes of Health, 301-496-7194.

(Catalog of Federal Domestic Assistance Number 13.393; 13.394; 13.395, National Institutes of Health.)

Name of committee: Clinical Cancer Program Project Review Committee.

Dates: December 6-8, 1976; 8:30 a.m.

Place: Building 31C, Conference Room 8, National Institutes of Health.

Times: Open—December 6, 8:30 a.m.-12:30 p.m. Closed—December 6, 12:30 p.m.-6:00 p.m.; December 7, 8:30 a.m.-6:00 p.m.; December 8, 8:30 a.m.-adjournment.

Closure reason: To review research grant applications.

Executive Secretary: Dr. Louise G. Thomson, Westwood Building, Room 809, National Institutes of Health, Phone: 801-496-7565.

(Catalog of Federal Domestic Assistance Number 13.397, National Institutes of Health.)

Dated: November 8, 1976.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.76-33420 Filed 11-11-76; 8:45 am]

REVIEW OF RESEARCH CONTRACT PROPOSALS

Meetings

Pursuant to Pub. L. 92-463, notice is hereby given of the meetings of committees advisory to the National Cancer Institute.

These meetings will be open to the public to discuss administrative details or other issues relating to committee business as indicated in the notice. Attendance by the public will be limited to space available.

These meetings will be closed to the public as indicated below in accordance with the provisions set forth in sections 552(b) (4) and 552(b) (6) of Title 5, U.S. Code and section 10(d) of Pub. L. 92-463 for the review, discussion and evaluation of individual research contract proposals as indicated. The proposals contain information of a proprietary or confidential nature, including detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals.

Mrs. Marjorie F. Early, Committee Management Officer, NCI, Building 31, Room 4B43, National Institutes of Health, Bethesda, Maryland 20014 (301/496-5708) will furnish summaries of the meetings and rosters of committee members upon request. Other information pertaining to the meeting can be obtained from the Executive Secretary indicated. Meetings are at the National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20014, unless otherwise stated.

DIAGNOSTIC RESEARCH ADVISORY GROUP

Dates: December 1, 1976; 8:30 a.m.
Place: Building 31C Conference Room 6, National Institutes of Health.

Times: Open: December 1, 8:30 a.m.—11:00 a.m.; Closed: December 1, 11:00 a.m.—adjournment.

Closure reason: To review research contract proposals.

Executive Secretary: Mr. Louis P. Greenberg; address: Building 31, Room 3A10, National Institutes of Health; phone: 301/496-1591.

(Catalog of Federal Domestic Assistance Number 13.395, National Institutes of Health.)

DRUG DEVELOPMENT COMMITTEE

Dates: December 2-3, 1976; 9:30 a.m.
Place: Building 31C, Conference Room 9, National Institutes of Health.

Times: Open: December 2, 9:30 a.m.—5:00 p.m.; Closed: December 3, 9:00 a.m.—adjournment.

Agenda/open portion: A general discussion of progress on ongoing contracts for programs in immunochemotherapy and chemotherapy research.

Closure reason: To review research contract proposals.

Executive Secretary: Mrs. Naomi FitzGibbon; address: Blair Building Room 5A09, National Institutes of Health; phone: 301/427-7263.

(Catalog of Federal Domestic Assistance Number 13.395, National Institutes of Health.)

CARCINOGENESIS PROGRAM SCIENTIFIC REVIEW COMMITTEE A

Dates: December 6, 1976; 9:00 a.m.
Place: Landow Building, Room C418, 7910 Woodmont Avenue, Bethesda, Maryland.

Times: Open: December 6, 9:00 a.m.—9:30 a.m.; Closed: December 6, 9:30 a.m.—adjournment.

Agenda/open portion: To review program information.

Closure reason: To review research contract proposals.

Executive Secretary: Dr. Richard A. Pledger; address: Landow Building, Room A306, National Institutes of Health; phone: 301/496-4141.

(Catalog of Federal Domestic Assistance Number 13.393, National Institutes of Health.)

DIAGNOSTIC RADIOLOGY COMMITTEE

Dates: December 8, 1976; 8:30 a.m.
Place: Building 31C, Conference Room 9, National Institutes of Health.

Times: Open: December 8, 8:30 a.m.—11:00 a.m.; Closed: December 8, 11:00 a.m.—adjournment.

Agenda/open portion: To discuss possible new areas of research and other business related to the diagnostic radiology program.

Closure reason: To review research contract proposals.

Executive Secretary: Dr. R. Quentin Blackwell; address: Building 31, Room 3A10, National Institutes of Health; phone: 301/496-1591.

(Catalog of Federal Domestic Assistance Number 13.394, National Institutes of Health.)

CLINICAL TRIALS COMMITTEE

Dates: December 9-10, 1976; 8:30 a.m.
Place: Building 31C, Conference Room 8, National Institutes of Health.

Times: Open: December 9, 8:30 a.m.—9:00 a.m.; Closed: December 9, 9:00 a.m.—5:00 p.m.; Closed: December 10, 9:00 a.m.—adjournment.

Closure reason: To review research contract proposals.

Executive Secretary: Dr. William P. McGuire; address: Building 37, Room 6D28, National Institutes of Health; phone: 301/496-1774.

(Catalog of Federal Domestic Assistance Number 13.395, National Institutes of Health.)

CARCINOGENESIS PROGRAM SCIENTIFIC REVIEW COMMITTEE B

Dates: December 10, 1976; 9:00 a.m.
Place: Building 31C, Conference Room 9, National Institutes of Health.

Times: Open: December 10, 9:00 a.m.—9:30 a.m.; Closed: December 10, 9:30 a.m.—adjournment.

Agenda/open portion: To review program information.

Closure reason: To review research contract proposals.

Executive Secretary: Dr. Marcia Litwack; address: Landow Building, Room A306, National Institutes of Health; phone: 301/496-5989.

(Catalog of Federal Domestic Assistance Number 13.393, National Institutes of Health.)

COMMITTEE ON CANCER IMMUNOBIOLOGY

Dates: December 14, 1976; 2:00 p.m.
Place: Building 10, Room 4B14, National Institutes of Health.

Times: Open: December 14, 2:00 p.m.—2:30 p.m.; Closed: December 14, 2:30 p.m.—adjournment.

Closure reason: To review research contract proposals.

Executive Secretary: Mrs. Judith M. Whalen; address: Building 10, Room 4B17, National Institutes of Health; phone: 301/496-1791.

(Catalog of Federal Domestic Assistance Number 13.396, National Institutes of Health.)

COMMITTEE ON CANCER IMMUNOTHERAPY

Dates: December 16, 1976; 1:00 p.m.
Place: Building 10, Room 4B14, National Institutes of Health.

Times: Open: December 16, 1:00 p.m.—1:30 p.m.; Closed: December 16, 1:30 p.m.—adjournment.

Closure reason: To review research contract proposals.

Executive Secretary: Dr. George M. Steinberg; address: Building 10, Room 4B09, National Institutes of Health; phone: 301/496-1791.

(Catalog of Federal Domestic Assistance Number, National Institutes of Health.)

DEVELOPMENTAL THERAPEUTICS COMMITTEE

Dates: December 16-17, 1976; 8:30 a.m.
Place: Blair Building, 8300 Colesville Road, Silver Spring, Maryland.

Times: Open: December 16, 8:30 a.m.—11:00 a.m.; Closed: December 16, 11:00 a.m.—5:00 p.m.; Closed: December 17, 8:30 a.m.—adjournment.

Agenda/open portion: General discussions of ongoing contracts involving drug metabolism, biological markers and the fractionation and biological activity of the streptovaricin complex.

Closure reason: To review research contract proposals.

Executive Secretary: Dr. J.A.R. Mead; address: Blair Building, Room 5A03, National Institutes of Health; phone: 301/427-7263.

(Catalog of Federal Domestic Assistance Number 13.395, National Institutes of Health.)

Dated: November 3, 1976.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.76-33421 Filed 11-11-76; 8:45 am]

VISION RESEARCH PROGRAM PLANNING SUBCOMMITTEE

Meeting

Pursuant to Pub. L. 92-463 notice is hereby given of the meeting of the Vision Research Program Planning Subcommittee of the National Advisory Eye Council, National Eye Institute, on Monday, December 13, 1976, National Institutes of Health, Building 31, Room 6A-21, Bethesda, Maryland.

The meeting will convene at 9:00 a.m. and will be open to the public until adjournment, approximately 4:00 p.m. The meeting will be devoted to review of the status of ongoing vision research program planning activities. Attendance by the public will be limited to space available.

Substantive information may be obtained from Mr. Julian Morris, Head,

Office of Scientific Reports and Program Planning Coordination, National Eye Institute, National Institutes of Health, Bethesda, Maryland 20014, Building 31, room 6A-27, telephone (301) 496-5248.

Dated: November 1, 1976.

(Catalog of Federal Domestic Assistance Program No. 13.331, National Institutes of Health.)

SUZANNE L. FREMEAUX,
Committee Management Officer,
National Institutes of Health.

[FR Doc.76-33422 Filed 11-11-76;8:45 am]

VISION RESEARCH PROGRAM PLANNING SUBCOMMITTEE OF THE NATIONAL ADVISORY EYE COUNCIL

Meeting

Pursuant to Pub. L. 92-463 notice is hereby given of the meeting of the Vision Research Program Planning Subcommittee of the National Advisory Eye Council, National Eye Institute, on Monday, December 13, 1976, National Institutes of Health, Building 31, Room 6A-21, Bethesda, Maryland.

The meeting will convene at 9 a.m. and will be open to the public until adjournment, approximately 4 p.m. The meeting will be devoted to review of the status of ongoing vision research program planning activities. Attendance by the public will be limited to space available.

Substantive information may be obtained from Mr. Julian Morris, Head, Office of Scientific Reports and Program Planning Coordination, National Eye Institute, National Institutes of Health, Bethesda, Maryland 20014, Building 31, room 6A-27, telephone (301) 496-5248.

(Catalog of Federal Domestic Assistance Program No. 13.331, National Institutes of Health.)

Dated: November 1, 1976.

SUZANNE L. FREMEAUX,
Committee Management Officer,
National Institutes of Health.

[FR Doc.76-33422 Filed 11-11-76;8:45 am]

Office of Education

NATIONAL ADVISORY COUNCIL ON WOMEN'S EDUCATIONAL PROGRAMS

Public Meetings

Notice is hereby given, pursuant to Pub. L. 92-463, that the next meeting of the National Advisory Council on Women's Educational Programs will be held from 9:00 a.m. to 11:00 a.m. on December 3 and from 9:00 a.m. to 1:00 p.m. on December 4, 1976, and that the meeting of the Council will be preceded by an orientation session for new members on December 2 from 9:00 a.m. to 5:00 p.m. and a meeting of the Executive Committee from 7:30 to 9:30 p.m. on December 2. Each of the sessions will be held at the Council offices at 1832 M Street, NW, No. 821, Washington, DC.

There will also be meetings of the Council's Legislation Committee, Federal

Policy and Practices Committee, and Program Committee from 11:00 a.m. to 5:00 p.m. on December 3 at the same address.

The National Advisory Council on Women's Educational Programs is established pursuant to Pub. L. 93-380 section 408(f)(1). The Council is mandated to (a) advise the Commissioner with respect to general policy matters relating to the administration of the Women's Educational Equity Act of 1974; (b) advise and make recommendations to the Assistant Secretary concerning the improvement of educational equity for women; (c) make recommendations to the Commissioner with respect to the allocation of any funds pursuant to section 408 of Pub. L. 93-380, including criteria developed to insure an appropriate distribution of approved programs and projects throughout the nation; (d) make such reports as it deems appropriate to the President and the Congress on its activities; (e) develop criteria for the establishment of program priorities; and (f) disseminate information concerning its activities.

The meetings of the Council and of the Committees will be open to the public. The agenda for the Council meeting will include (1) report on the Women's Educational Equity Act Program; (2) Executive Director's report; (3) budget report; (4) committee reports; and (5) Rural Women report.

The agenda for the Legislation Committee meeting will include preparation for the Council meeting.

The agenda for the Federal Policy and Practices Committee meeting will include discussion of the Council's review of the Education Division of HEW.

The agenda for the Legislation Committee meeting will include discussion of the FY 77 Regulation for the Women's Educational Equity Act.

The agenda for the Program Committee meeting will include discussion of the scope and methods of evaluation of the Women's Educational Equity Act Program.

Records will be kept of all Council proceedings and will be available for inspection at the Council offices at Suite 821, 1832 M Street, NW, Washington, DC.

Signed at Washington, D.C., on November 9, 1976.

JOY R. SIMONSON,
Executive Director.

[FR Doc.76-33477 Filed 11-11-76;8:45 am]

Public Health Service

ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH ADMINISTRATION

Statement of Organization, Functions and Delegations of Authority

Part 13 (Alcohol, Drug Abuse, and Mental Health Administration) of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health, Education, and Welfare (39 FR 1654, as amended by 40 FR 36166, August 19, 1975), is amended to reflect a revision to the functional state-

ment for the Division of Mental Health Service Programs, National Institute of Mental Health. This revision clarifies and updates the functions of the division, which is the focal point within the National Institute of Mental Health for the planning, administration, and evaluation of nationwide programs for the support of mental health services.

Section 13-B, *Organization and Functions*, is amended by deleting the current functional statement for the Division of Mental Health Service Programs (CH43) and substituting the following:

Division of Mental Health Services Programs (CH43). (1) Plans, develops, administers, and evaluates programs for the support of mental health services nationwide, including (a) planning, operations, and facilities assistance for comprehensive community mental health centers (b) improvement of the quality of care and competence of staff in State mental hospitals; and, (c) general improvement of State and local systems for the delivery of mental health services; (2) provides new knowledge of direct relevance to the delivery of mental health services through intramural research and development programs; (3) provides technical assistance, training and consultation to regional offices, States, public, private non-profit and voluntary agencies in program development, administration, financing and evaluation of mental health services; (4) coordinates Institute activities and consults with other Federal and State agencies on mental health aspects of medical care provided under legislation and in agreements with other agencies; (5) coordinates Institute activities in such special areas as community care of chronic patients, children's mental health services, citizen participation, patient rights, rural mental health and mental health aspects of the National Health Service Corps; and (6) recommends and assesses legislative, budgetary and policy initiatives related to the delivery of mental health services.

Dated: November 8, 1976.

JOHN OTTINA,
Assistant Secretary for
Administration and Management.

[FR Doc.76-33478 Filed 11-11-76;8:45 am]

Office of the Secretary

STUDENT FINANCIAL ASSISTANCE STUDY GROUP

Meeting

The Student Financial Assistance Study Group was established by the Secretary of Health, Education, and Welfare on August 27, 1976, to advise on ways to implement more effectively and efficiently the Student Financial Assistance Programs administered by the Department.

Pursuant to Pub. L. 92-463, notice is hereby given of a meeting of the Student Financial Assistance Study Group to be held on Wednesday, December 8, 1976 from 9:00 a.m. until 5:00 p.m. and

on Thursday, December 9, 1976 from 9:00 a.m. until 5 p.m. These meetings will be held in Room 405A of the HEW South Portal Building, 200 Independence Avenue, SW., Washington, D.C. 20201.

The purpose of the meeting is to review and approve a series of preliminary issue statements and related interrogatories within the framework of the Study Group Charter which, before final recommendations are made, will be the subject for public comments and discussion at a later public hearing.

Members of the public are invited to attend the meetings. Because of limited meeting accommodations, reservations are recommended. Persons wishing to attend should notify the Study Group Staff Director by mail at Room 325H, 200 Independence Avenue, SW., Washington, D.C. 20201 or by telephone at (202) 245-9855.

Persons wishing to present oral or written statements for consideration by the Study Group are encouraged to do so at public hearings which will be held for that purpose. Notice of the date, time, and location of the public hearings will be published in later issues of the FEDERAL REGISTER.

MARY JANE CALAIS,
Staff Director, Student Financial Assistance Study Group.

[FR Doc.76-33479 Filed 11-11-76; 8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NM 29080]

NEW MEXICO

Application

NOVEMBER 5, 1976.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Transwestern Pipeline Company has applied for one 6 and 8-inch natural gas pipeline right-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 20 S., R. 24 E.,
Sec. 1, SE $\frac{1}{4}$ NE $\frac{1}{4}$.
T. 19 S., R. 25 E.,
Sec. 10, E $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ and W $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 15, NW $\frac{1}{4}$ NW $\frac{1}{4}$;
Sec. 30, E $\frac{1}{2}$ SE $\frac{1}{4}$ and SW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 31, lots 3, 4, W $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$ and NE $\frac{1}{4}$ SW $\frac{1}{4}$.
T. 20 S., R. 25 E.,
Sec. 6, lot 1.

This pipeline will convey natural gas across 3.169 miles of national resource lands in Eddy County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Man-

ager, Bureau of Land Management, P.O. Box 1397, Roswell, New Mexico 88201.

STELLA V. GONZALES,
Acting Chief, Branch of
Lands and Minerals Operations.

[FR Doc.76-33267 Filed 11-11-76; 8:45 am]

National Park Service

CAPE COD NATIONAL SEASHORE ADVISORY COMMISSION

Meeting

Notice is hereby given in accordance with Pub. L. 92-463 that a meeting of the Cape Cod National Seashore Advisory Commission will be held on Friday, December 10, 1976, at 1:30 pm, at the Headquarters Building, Cape Cod National Seashore, Marconi Station Area, South Wellfleet, Massachusetts.

The Commission was established by Pub. L. 92-463 to meet and consult with the Secretary of the Interior on general policies and specific matters relating to the development of Cape Cod National Seashore.

The purpose of the meeting is to consider the following Agenda items: (1) Proposed Brown-tail moth eradication project, (2) Progress report on environmental impact of ORV's (Off-Road Vehicle), (3) 1976 oversand vehicle use and recommendations for regulations for 1977, (4) Location of Truro Chamber of Commerce information booth, and (5) Stephen L. French Youth Forestry Camp program. The Superintendent will give a progress report covering current problems and items of interest, which will be reviewed and discussed.

The meeting is open to the public. It is expected that 15 persons will be able to attend the session in addition to Commission members. Interested persons may make oral/written presentations to the Commission or file written statements. Such requests should be made to the official listed below at least seven days prior to the meeting.

Further information concerning this meeting may be obtained from Lawrence C. Hadley, Superintendent, Cape Cod National Seashore, South Wellfleet, Massachusetts 02663 (telephone: 617-349-3785). Minutes of the meeting will be available for public information and copying four weeks after the meeting at the office of the Superintendent, Cape Cod National Seashore, South Wellfleet, Massachusetts.

Dated: November 3, 1976.

L. J. HOVIG,
Acting Regional Director,
North Atlantic Region.

[FR Doc.76-33450 Filed 11-11-76; 8:45 am]

Office of the Secretary

[Int DES 76-45]

WESTMORELAND RESOURCES ABSALOKA MINE, CROW INDIAN CEDED AREA, BIG HORN COUNTY, MONTANA

Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of

1969, the Department of the Interior has prepared a draft environmental impact statement on a proposed continuation and expansion of coal mining operations at Westmoreland Resources Absaloka mine, Crow Indian Ceded Area, Big Horn County, Montana. The draft statement assesses the environmental impacts of the lessee's plan for the strip mining of Crow Indian and State owned coal and the concurrent reclamation and revegetation of surface lands disturbed by mining and related activities. The proposed action is an eastward extension and expansion of present mining operations in the Westmoreland Resources Absaloka mine.

The proposed mining and reclamation plan assessed in this statement is one part of the low level development scenario identified in Interior Department's draft environmental statement DES 76-30, entitled "Draft Environmental Statement, Crow Ceded Area Coal Lease, Tracts II and III, Westmoreland Resources." That statement was filed with the Council on Environmental Quality on August 17, 1976, and a public hearing was held on September 29, 1976, at Crow Agency in Montana. The final statement is presently in preparation.

The subject draft environmental statement is available for public review at the U.S. Geological Survey Public Inquiries Office, Room 1012, Federal Building, Denver, Colo.; U.S. Geological Survey, Denver West Office Park, Office Building No. 3, 1526 Cole Blvd., Golden, Colo.; U.S. Geological Survey Library, Room 4A100, U.S.G.S. National Center, Reston, Va.; U.S. Bureau of Indian Affairs, Billings Area Office, 316 North 26th Street, Billings, Mont.; Office of the Superintendent, Crow Agency, Mont.; Billings Public Library, 510 N. Broadway, Billings, Mont.; Big Horn County Library, 419 N. Custer Ave., Hardin, Mont.; and Library, Eastern Montana College, Billings, Mont.

A limited number of copies are available from the U.S. Geological Survey, Water Resources Division, Box 25046, Mail Stop 413, Denver Federal Center, Denver, Colorado 80225; and, over the counter only, from the U.S. Geological Survey Public Inquiries Office, Room 1012, Federal Building, Denver, Colorado.

Any written comments you may wish to submit will be accepted within forty-five (45) days of this notice. All such comments will be considered during preparation of the final environmental statement. Written comments should be addressed to: Director, U.S. Geological Survey, National Center, Mail Stop 108, Reston, Virginia 22092.

A public hearing to obtain further views and comments on the draft statement will be held on December 9, 1976, at 10:00 a.m. at the Sun Lodge Motel and Restaurant, Crow Agency, Montana.

Dated: November 9, 1976.

STANLEY D. DOREMUS,
Deputy Assistant Secretary
of the Interior.

[FR Doc.76-33386 Filed 11-11-76; 8:45 am]

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-28]

CIRCULAR KNITTING MACHINES AND THROAT PLATES THEREFOR

Investigation

Notice is hereby given that a complaint was filed with the United States International Trade Commission on October 6, 1976, under section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), on behalf of Marvel Specialty Co., Inc., 360 1st Avenue SW., Hickory, North Carolina 28601, alleging that unfair methods of competition and unfair acts exist in the importation of circular knitting machines, throat plates with a ceramic inlay, and components of such throat plates into the United States, or in their sale, by reason of the alleged coverage of such throat plates by all claims of U.S. Letters Patent No. 3,444,704. The complaint further alleges that the effect or tendency of the unfair methods of competition and unfair acts is to destroy or substantially injure an industry, efficiently and economically operated, in the United States. Complaint requests that the imports in question be both temporarily and permanently excluded from entry into the United States.

Having considered the complaint, the United States International Trade Commission, on November 8, 1976, ordered—

(1) That, pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), an investigation be instituted to determine, under subsections (d) and (e), whether, on the basis of the allegations set forth in the complaint, there is a violation of subsection (a) of this section in the unauthorized importation of—

- (i) Throat plates, each with a ceramic inlay, for circular knitting machines,
- (ii) Components of such throat plates, and
- (iii) Ladies' seamless hosiery circular knitting machines containing such throat plates

into the United States, or in their sale, by reason of such throat plates' allegedly being covered by the claims of U.S. Letters Patent No. 3,444,704, the effect or tendency of which is to destroy or substantially injure an industry, efficiently and economically operated, in the United States.

(2) That, for the purpose of the investigation so instituted,

Costruzioni Meccaniche Di Lonati, Francesco E Figli, Via S. Polo 11, 25100 Brescia, Italy, and Henderson Machinery, Inc., 2911 Pacific Avenue, Greensboro, North Carolina 27406,

alleged to be involved in the unauthorized importation of such articles, are hereby named as respondents upon which the complaint and this notice are to be served.

(3) That, for the purpose of the investigation so instituted, Myron R. Renick, United States International

Trade Commission, 701 E Street NW., Washington, D.C. 20436, is hereby appointed as presiding officer.

(4) That, for the purpose of the investigation so instituted, Harold Brandt, United States International Trade Commission, 701 E Street NW., Washington, D.C. 20436, is hereby named as Commission investigative attorney.

Responses must be submitted by the parties in accordance with § 210.21 of the Commission's rules of practice and procedure, as amended (41 FR 17710, Apr. 27, 1976). Pursuant to §§ 201.16(d) and 210.21(a) of the rules, such responses will be considered by the Commission if received not later than 20 days after the date of service of the complaint.

Extensions of time for submitting a response will not be granted unless good and sufficient cause therefor is shown.

Failure of a respondent to file a response to each of the allegations which are the subject of this investigation as set forth in this notice within the time provided, taking into consideration the applicable detail of the allegations in the complaint, may be deemed to constitute a waiver of its rights to appear and contest such allegations and shall authorize the Commission, without further notice to the respondent, to find the facts to be alleged and to enter an order containing such findings.

The complaint, with the exception of confidential information referred to therein, is available for inspection by interested persons at the Office of the Secretary, United States International Trade Commission Building, Washington, D.C., and in the New York City office of the Commission, 6 World Trade Center.

By order of the Commission.

Issued: November 9, 1976.

KENNETH R. MASON,
Secretary.

[FR Doc.76-33509 Filed 11-11-76;8:45 am]

[TA-201-19]

TELEVISION RECEIVERS, COLOR AND MONOCHROME, ASSEMBLED OR NOT ASSEMBLED, FINISHED OR NOT FINISHED, AND SUBASSEMBLIES THEREOF

Investigation and Hearings

Investigation instituted. Following receipt on September 22, 1976, of a petition filed by the Industrial Union Department, AFL-CIO; Allied Industrial Workers of America, International Union; American Flint Glass Workers Union of North America; Communications Workers of America; Glass Bottle Blowers' Association of the United States and Canada; Independent Radionic Workers of America; International Association of Machinists; International Brotherhood of Electrical Workers; International Union of Electrical, Radio and Machine Workers; United Furniture Workers of America; United Steelworkers of America; Corning Glass Works; GTE Sylvania Incorporated; Owens-Illinois, Inc.; Sprague Electric

Company; and Wells-Gardner Electronics Corp., the United States International Trade Commission, on October 21, 1976, instituted an investigation under section 201(b) of the Trade Act of 1974 to determine whether television receivers, color and monochrome, assembled or not assembled, finished or not finished, and subassemblies thereof, provided for in item 685.20 of the Tariff Schedules of the United States, are being imported into the United States in such increased quantities as to be a substantial cause of serious injury, or the threat thereof, to the domestic industry producing an article like or directly competitive with the imported article.

Public hearings. Public hearings in connection with this matter will be held beginning Tuesday, January 11, 1977, in Chicago, Illinois, at a time and place to be announced; and in Washington, D.C., beginning at 10 a.m., e.s.t., Tuesday, January 18, 1977, in the Hearing Room of the United States International Trade Commission Building, 701 E Street NW. Requests for appearances should be filed with the Secretary of the United States International Trade Commission, in writing, at his offices in Washington, D.C., not later than noon of the fifth calendar day preceding the hearing at which an appearance is requested.

Inspection of petition. The petition filed in this case is available for public inspection at the Office of the Secretary, United States International Trade Commission, 701 E Street NW., Washington, D.C. 20436, and at the New York City office of the United States International Trade Commission located at 6 World Trade Center.

By order of the Commission:

KENNETH R. MASON,
Secretary.

Issued: NOVEMBER 9, 1976.

[FR Doc.76-33508 Filed 11-11-76;8:45 am]

MARINE MAMMAL COMMISSION

MARINE MAMMAL COMMISSION AND COMMITTEE OF SCIENTIFIC ADVISORS ON MARINE MAMMALS

Meetings

Notice is hereby given that the Marine Mammal Commission and the Committee of Scientific Advisors on Marine Mammals will meet on January 13-15, 1977 in Tampa, Florida. Notice of the specific location, time, and agenda items of the meeting will be published in the near future.

The purpose of this notice is to invite the suggestions of interested persons concerning issues and subjects to be considered at the meetings. Suggestions should be submitted, in writing, to the Marine Mammal Commission, 1625 Eye Street, N.W., Washington, D.C. 20006, by December 10, 1976.

Dated: November 8, 1976.

JOHN R. TWISS, Jr.,
Executive Director.

[FR Doc.76-33270 Filed 11-11-76;8:45 am]

NATIONAL COMMISSION FOR MANPOWER POLICY

Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463; 86 Stat. 770) notice is hereby given that the National Commission for Manpower Policy will hold a formal meeting on December 1 and December 2, 1976. The meeting will be held in the Mount Vernon Room of the Sheraton Carlton Hotel located on the corner of 16th and K Streets, NW., Washington, D.C. The meeting will commence at 4:00 p.m. and conclude at 10:00 p.m. on December 1, and will reconvene at 8:30 a.m. on December 2, concluding at 1:00 p.m.

The National Commission for Manpower Policy was established pursuant to Title V of the Comprehensive Employment and Training Act of 1973 (Pub. L. 92-203). The Act charges the Commission with broad responsibility of advising the Congress, the President, the Secretary of Labor, and other Federal agency heads on national manpower issues. The Commission is specifically charged with reporting annually to the President and the Congress on its findings and recommendations with respect to the Nation's manpower policies and programs.

The agenda for the Commission's meeting will cover the firming up of the resolution of policy issues for incorporation in the second annual report to the President and the Congress and to plan the Commission's next year's work activities. The policy issue areas to be addressed in the meeting include:

- An employment strategy, including national goals;
- Transforming income support programs to job support;
- Manpower efforts for disadvantaged youth;
- Antirecessionary manpower strategy;
- Expanding the skill training base;
- Improving the knowledge information base; and
- Strengthening equal employment opportunity.

Members of the general public or other interested individuals may attend Commission meetings. Members of the public desiring to submit written statements to the Commission that are germane to the agenda may do so, provided such statements are in reproducible form and are submitted to the Director no later than two days before and seven days after the meeting.

Additionally, members of the general public may request to make oral statements to the Commission to the extent that time available for the meeting permits. Such oral statements must be directly germane to the announced agenda items and written application to make an oral statement must be submitted to the Director of the Commission three days before the meeting. The application shall identify the following: The applicant, the subject of his or her presentation and its relationship to the agenda; the

amount of time requested; the individual's qualifications to speak on the subject matter; and shall include a justifying statement as to why a written presentation would not suffice. The Chairman reserves the right to decide to what extent public oral presentation will be permitted at any meeting. Oral presentations of facts and views shall not include any questions of Commission members or other participants unless these questions have been specifically approved by the Chairman.

Minutes of the meeting, working papers and other documents prepared for the meeting will be available for public inspection five working days after the meeting at the Commission's headquarters located at 1522 K Street, NW, Room 300, Washington, D.C.

Signed at Washington, D.C., this ninth day of November 1976.

ROBERT T. HALL,
Director, National Commission
for Manpower Policy.

[FR Doc.76-33476 Filed 11-11-76;8:45 am]

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

EDUCATION PANEL ADVISORY COMMITTEE

Meeting

NOVEMBER 8, 1976.

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463) notice is hereby given that a meeting of the Education Panel will convene at 9:00 a.m. each day in Room 1025 at 806 Fifteenth Street NW., Washington, D.C., on December 9 and 10, 1976.

The purpose of the meeting is to review Projects applications submitted to the National Endowment for the Humanities for grants to educational institutions and non-profit organizations.

Because the proposed meeting will consider financial information and personnel and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated August 13, 1973, I have determined that the meeting would fall within exemptions (4) and (6) of 5 U.S.C. 552(b) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with operation of the Committee.

It is suggested that those desiring more specific information contact the Advisory Committee Management Officer, Mr. John W. Jordan, 806 Fifteenth Street, NW., Washington, D.C. 20506, or call area code 202-382-2031.

JOHN W. JORDAN,
Advisory Committee
Management Officer.

[FR Doc.76-33273 Filed 11-11-76;8:45 am]

PUBLIC PROGRAMS PANEL ADVISORY COMMITTEE

Meeting

NOVEMBER 5, 1976.

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463) notice is hereby given that a meeting of the Public Programs Panel will meet at the Texas Tech Museum, in Lubbock, Texas, on December 9 and 10, 1976, commencing at 9:00 a.m.

The purpose of the meeting is to review Humanities Museums and Historical Organizations Grant proposals that have been submitted to the Endowment for possible grant funding.

Because the proposed meeting will consider financial information and personnel and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated August 13, 1973, I have determined that the meeting would fall within exemptions (4) and (6) of 5 U.S.C. 552(b) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with operation of the Committee.

It is suggested that those desiring more specific information contact the Advisory Committee Management Officer, Mr. John W. Jordan, 806 15th Street NW., Washington, D.C. 20506, or call Area Code 202-382-2031.

JOHN W. JORDAN,
Advisory Committee
Management Officer.

[FR Doc.76-33271 Filed 11-11-76;8:45 am]

PUBLIC PROGRAMS PANEL ADVISORY COMMITTEE

Meeting

NOVEMBER 5, 1976.

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463) notice is hereby given that a meeting of the Public Programs Panel will meet at Washington, D.C. on December 16 and 17, 1976, commencing at 9:30 a.m. in Room 1130 at 806 15th Street, NW., Washington, D.C. 20506.

The purpose of the meeting is to review Humanities Media Grant proposals that have been submitted to the Endowment for possible grant funding.

Because the proposed meeting will consider financial information and personnel and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Chairman's Declaration of Authority to Close Advisory Committee Meetings, dated August 13, 1973, I have determined that the meeting would fall within exemptions (4) and (6) of 5 U.S.C. 552(b) and that it is essential to close the meeting to protect the free exchange of in-

NOTICES

ternal views and to avoid interference with operation of the Committee.

It is suggested that those desiring more specific information contact the Advisory Committee Management Officer, Mr. John W. Jordan, 806 15th Street, NW., Washington, D.C. 20506, or call Area Code 202-382-2031.

JOHN W. JORDAN,
Advisory Committee
Management Officer.

[FR Doc.76-33272 Filed 11-11-76; 8:45 am]

PUBLIC PROGRAMS PANEL ADVISORY COMMITTEE

Meeting

NOVEMBER 2, 1976.

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463) notice is hereby given that a meeting of the Public Programs Panel will meet at Washington, D.C. on December 14, 1976, commencing at 1:00 p.m., and December 15, 1976, commencing at 9:30 a.m., in Room 1023, at 806 15th St., NW., Washington, D.C.

The purpose of the meeting is to review Humanities Program Development Grant proposals that have been submitted to the Endowment for possible grant funding.

Because the proposed meeting will consider financial information and personnel and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated August 13, 1973, I have determined that the meeting would fall within exemptions (4) and (6) of 5 U.S.C. 552(b) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with operation of the Committee.

It is suggested that those desiring more specific information contact the Advisory Committee Management Officer, Mr. John W. Jordan, 806 15th Street, NW., Washington, D.C. 20506, or call Area Code 202-382-2031.

JOHN W. JORDAN,
Advisory Committee
Management Officer.

[FR Doc.76-33274 Filed 11-11-76; 8:45 am]

NATIONAL SCIENCE FOUNDATION ADVISORY COMMITTEE ON RESEARCH APPLICATIONS POLICY

Open Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Advisory Committee on Research Applications Policy.
Date: December 7 and 8, 1976.
Time: 9:00 a.m.-5:00 p.m. each day.
Place: 1800 G Street NW., Washington, D.C., Room 540.
Type of Meeting: Open.

Contact Person: Ms. Darleen F. Morano, Executive Secretary of the Committee, Room 1243, National Science Foundation, Washington, D.C. 20550, telephone (202) 632-5820.

Summary Minutes: Committee Management Coordination Staff, Division of Personnel and Management, Room 248 National Science Foundation, Washington, D.C. 20550.

Purpose of Advisory Committee: To provide recommendations concerning the plans, status, and results of the NSF Research Applications Directorate.

AGENDA

DECEMBER 7

- 9:00—Introduction of New Members and Remarks.
- 9:30—Review of the RANN 2 Symposium.
- 10:15—Discussion of the RANN Long Range Plan.
- 12:15—Lunch.
- 1:30—Review of the Disaster and Natural Hazards Program.
- 5:00—Adjourn.

DECEMBER 8

- 9:00—Review of the RANN FY77 Program.
- 10:30—Review of the RANN FY78/79 Program Plans.
- 12:00—Lunch.
- 1:15—Report on the NSF Science Applications Study and other RANN Related Studies.
- 2:15—Discussion of the RANN Advisory Committee and Panel Review Functions.
- 3:45—Report on Actions on Previous RANN Advisory Committee Recommendations.
- 5:00—Adjourn.

M. REBECCA WINKLER,
Acting Committee
Management Officer.

NOVEMBER 8, 1976.

[FR Doc.76-33286 Filed 11-11-76; 8:45 am]

ADVISORY PANEL FOR PHYSICS

Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Advisory Panel for Physics.
Date: December 2 and 3, 1976.
Time: 9:00 a.m. to 5:00 p.m. each day.
Place: 1800 G Street NW., Washington, D.C. Room 540.
Type of Meeting: Open.

Contact Person: Dr. Marcel Bardon, Deputy Division Director for Physics, Room 348, National Science Foundation, Washington, D.C., 20550, Telephone (202) 632-4310.

Summary Minutes: May be obtained from the Committee Management Coordination Staff, Division of Personnel and Management, Rm. 248, National Science Foundation, Washington, D.C. 20550.

Purpose of Panel: To provide general advice and recommendations on the impact of the NSF support of Physics.

AGENDA

DECEMBER 2, 9:00 A.M., ROOM 540,
1800 G STREET NW.

This session will be devoted to a review of National Science Foundation support activities in the area of Condensed Matter Physics. The review will include considerations of the

scientific quality and balance of NSF's activities when viewed in a National perspective

DECEMBER 3, 9:00 A.M., ROOM 540,
1800 G STREET, N.W.

This session will include remarks and presentations by NSF staff on the FY 77 budget, the general outlook for FY 78.

M. REBECCA WINKLER,
Acting Committee
Management Officer.

NOVEMBER 8, 1976.

[FR Doc.76-33284 Filed 11-11-76; 8:45 am]

INTERNATIONAL DECADE OF OCEAN EXPLORATION PROPOSAL REVIEW PANEL

Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Proposal Review Panel for the Office for the International Decade of Ocean Exploration, Ad Hoc Subpanel for the Manganese Nodule Project.

Date and Time: December 2-3, 1976, 9:00 a.m. to 6:00 p.m. each day.

Place: Room 543, National Science Foundation, 1800 G Street, NW., Washington, D.C. 20550.

Type of Meeting: Closed.

Contact Person: Mr. Feenan D. Jennings, Head, Office for the International Decade of Ocean Exploration, Room 605, National Science Foundation, Washington, D.C. 20550, telephone (202) 682-7356.

Purpose of Panel: To provide the IDOE Proposal Review Panel members with additional expertise in the review and evaluation of proposals relating to oceanographic research related to Manganese Nodules. Agenda: Detailed review and evaluation of new/renewal proposals for support of the Manganese Nodule Project.

Reason for Closing: The proposals and projects being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals and projects. These matters are within exemptions (4) and (6) of 5 U.S.C. 552(b), Freedom of Information Act. The rendering of advice by the panel is considered to be a part of the Foundation's deliberative process and is thus subject to exemption (5) of the Act.

Authority to Close Meeting: This determination was made by the Committee Management Officer pursuant to provisions of section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make determinations by the Director, NSF, on February 11, 1976.

M. REBECCA WINKLER,
Acting Committee
Management Officer.

NOVEMBER 8, 1976.

[FR Doc.76-33285 Filed 11-11-76; 8:45 am]

NATIONAL SCIENCE BOARD

Meeting

The National Science Board, the policy-making body of the National Science Foundation, will meet on Thursday and Friday, November 18 and 19, 1976, in Room 540, 1800 G Street, NW., Washington, D.C. 20550.

Much of this meeting will be open to the public in keeping with the spirit of the Government in the Sunshine Act, which becomes formally effective in March 1977. The Board is developing and refining its procedures for open meetings before full and formal implementation of the provisions of the new Act. Attached is an agenda for the meeting. As indicated, the sessions of this meeting that will be open to the public are scheduled for Thursday, November 18, from 1:00 p.m. to 5:30 p.m., and Friday, November 19, from 11:00 a.m. to 1:00 p.m.

The agenda also indicates the subjects to be discussed in both open and closed sessions.

Requests for information about the meeting may be directed to the Office of the National Science Board in Washington, D.C., which may be reached on (202) 632-5840. If the person receiving your call is unable to answer your question, please ask for Miss Vernice Anderson, Executive Secretary, National Science Board.

Agenda, 186th Meeting, National Science Board, National Science Foundation, Washington, D.C., November 18-19, 1976, beginning at 1:00 p.m., November 18, adjourning by 1:00 p.m., November 19.

THURSDAY, NOVEMBER 18

1:00-5:30 p.m.

OPEN SESSION

1. Minutes—185th Meeting.
2. Chairman's Report.
3. Director's Report.
4. Programs—Science Education.
 - a. Science Education Development and Research: Research in Science Education Program—New Program and 1977 Guidelines.
 - b. Science Manpower Improvement: Pre-College Teacher Training Program—New Program and 1977 Guidelines.
5. Board Committees—Meetings and Reports.
6. Advisory Committee Meetings.
7. Reports on Site Visits to Materials Research Laboratories.
8. Implementation of the Government in the Sunshine Act.
9. Agenda for January 1977 Board Meetings.
10. Other Business.

4:00-5:30 p.m.

11. Program Review—Science Information.

FRIDAY, NOVEMBER 19

8:30-11:00 a.m.

CLOSED SESSION

12. a. Minutes—Executive Session—185th Meeting.
- b. Grants and Contracts.
 - (1) Action Items.
 - (2) Report Items.
- c. Science Indicators—1976.

11:00 a.m.-1:00 p.m.

OPEN SESSION

13. Proposed Departmental Research Centers Program.
14. Next Meetings.

M. REBECCA WINKLER,
Acting Committee
Management Officer.

NOVEMBER 8, 1976.

[FR Doc.76-33283 Filed 11-11-76; 8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on November 5, 1976 (44 U.S.C. 3509). The purpose of publishing this list in the Federal Register is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202-395-4529), or from the reviewer listed.

NEW FORMS

UNITED STATES INTERNATIONAL TRADE COMMISSION

- Producers' Questionnaire—Watches, single-time, watch producers, Laverne V. Collins, 395-5867.
- Importers' Questionnaire—Watches, single-time, watch importers, Laverne V. Collins, 395-5867.

VETERANS ADMINISTRATION

- Study of the Death and Indemnity Compensation Program, single-time, DIC widows, Caywood, D. P., 395-3443.

DEPARTMENT OF COMMERCE

BUREAU OF CENSUS

- Survey of Farm or Ranch Partnership Operations, 74-A33, single-time, farm operators involved in partnership operations, Hulett, D. T., 395-4730.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

- Interview Log (Atlantic Bluefin Tuna Sport Fish Survey), NOAA 88-917, on occasion, bluefin tuna sport fishermen, George Hall, 395-6140.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

- Center for Disease Control: Intensive Community Influenza Surveillance, single-time, individuals in selected areas; Richard Eisinger, 395-6140.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

- Administration (Office of Assistant Secretary):

Survey of Rehabilitation Financing Activities Under the Community Development Block Grant (CDBG) Program, single-time; communities with CDBG funded rehabilitation activities, housing, veterans and labor division, Sunderhauf, M. B., 395-3532.

Citizen Participation Survey Questionnaire, single-time, grant recipients and involved citizens, Sunderhauf, M. B., 395-6140.

DEPARTMENT OF JUSTICE

Law Enforcement Assistance Administration:

- Claim for Death Benefit, LEAA 3650/1, on occasion, eligible beneficiaries, Lowry, R. L., 395-3772.
- Report of Public Safety Officers' Death, on occasion, employing agencies of public safety officers, Lowry, R. L., 395-3772.

REVISIONS

DEPARTMENT OF AGRICULTURE

- Packers and Stockyards Administration, Crop Production Response to Conservation Treatment, SCS-CONS-1, on occasion, commercial farmers, Lowry, R. L., 395-3772.

DEPARTMENT OF COMMERCE

- Economic Development Administration, Depository Bank Acceptance and Confirmation Statement, ED-1004, on occasion, units of local/State government, Warren Topellius, 395-5872.

Bureau of Census:

Insulated Wire and Cable—Annual Report, MA-33L, annually, establishments insulating wire and cable, Milo O. Peterson, 395-5631.

Longitudinal Manpower Survey Control Card, Questionnaire, Activity Record, Dear Friend Letter, Office Induction Form, and Sampling Questionnaire, LMS-1, LMS-2, LMS-3, LMS-9, LMS-20, LMS-21, on occasion, participants in employment and training administration, CETA, Strasser, A., 395-5867.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education:

Institution Release of Federal Funds/Request for Additional Federal Funds Under the SEOG Program, 1286, on occasion, institutes of postsecondary education participating in programs, Lowry, R. L., 395-3772.

Application for Federal Assistance (Non-construction—Instructions for Migratory Programs, ESEA, OE-362, annually, SEAS and LEAS, Lowry, R. L., 395-3772.

BEOG Supplemental Form for 1977-78 Academic Year, OE 255-2, on occasion, BEOG applicants, Lowry, R. L., 395-3772.

Data Collection Instruments for the Evaluation of ESES Title VII Bilingual Education Programs, OE-430-1, OE-430-1-1, OE-430-1-2, OE-430-2, OE-430-2-1, OE-430-3, OE-430-3-1, OE-430-3-4, single-time, students and teachers, Human Resources Division, Raynsford, R., 395-3532.

Household Information Survey—Title I, ESEA, OE-502-15, single-time, parent interviews for compensatory education, Kathy Wallman, 395-6140.

Application for Reimbursement for State Equalization Plan, OE-469-1, single-time, SEA's, Warren Topellius, 395-5872.

Application for Determination of Basic Grant Eligibility for 1975-76 Academic Year, OE 255, annually, persons requesting financial aid for postsecondary education, Lowry, R. L., 395-3772.

Application for Cooperative Education, Title IV, Higher Education Act, as Amended, OE 1193, on occasion, institutions of postsecondary education, Tracey Cole, 395-5870.

Social and Rehabilitation Service, Medicaid Provider Fraud and Abuse Control Survey, single-times, State Medicaid and AFDC agencies, Caywood, D. P., 395-3443.

Health Resources Administration, National Ambulatory Medical Care Survey (Feasibility Study of Supplement), HRA 34-1 through 5, annually, physicians engaged in patient care, Richard Eisinger, 395-6140.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration, SCATANA (Security Control of Air Traffic and Air Navigation Aids) Test Report, FAA7610-3, on occasion, NAVIAD operators and tower operators, Warren Topelius, 395-5872.

EXTENSIONS

NATIONAL CREDIT UNION ADMINISTRATION

Financial and Statistical Report (Federally Insured State Chartered Credit Unions), NCUA 5304, annually, State credit unions, Marsha Traynham, 395-4529.

DEPARTMENT OF COMMERCE

Bureau of Census, Copper-Base Mill Products (Receipts, Use, and Inventory), Consumer's Monthly Report, M33K, monthly, manufacturers, Milo O. Peterson, 395-5631.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education:

Financial Status and Performance Reports for Discretionary Grants Under Section 306, Title III, ESEA, OE-381, semi-annually, SEA's and SEA's, Warren Topelius, 395-5872.

Instructions for Preparing Financial Status Report, Vocational Education Formula Grants, OE-345, annually, SEA's, Warren Topelius, 395-5872.

Financial Status and Performance Reports for State Plans Under Title III, ESEA, OE-385-1, OE-385-2, annually, SEA's, Warren Topelius, 395-5872.

Application for CWS Grant for Students Who Reside In, But Attend Institutions Outside of American Samoa or Trust Territory, OE 1285, annually, institutions of postsecondary education participating in CWSP, Marsha Traynham, 395-4529.

Report of Contract Awarded—State Education Agency Report of Minimum Requirements for School Construction, OE 4038, annually, LEA's and SEA's, Lowry, R. L., 395-3772.

Foreign Language Fellowships Application Packet and Related Forms—NDEA Title VI, OE 7608, annually, students, Tracey Cole, 395-5870.

Instructions for Application for Federal Assistance—Women's Educational Equity Act Program, annually, individuals, nonprofit organizations, LEA's, Warren Topelius, 395-5872.

Cuban Student's Application for Loan and Promissory Note Reeminent, OE 1061, OE 1062, on occasion, institutions of postsecondary education, Tracey Cole, 395-5870.

DEPARTMENT OF THE INTERIOR

Bureau of Mines:

Bulk Terminal Stocks of No. 4 and Residential Fuel Oils by Sulfur Content, 6-1302-MS, monthly, heavy fuel oil bulk storage installations, Marsha Traynham, 395-4529.

Cadmium—Producer's Report (Supply and Disposition) Production, Consumption, and Shipments, 6-1030-QA, quarterly, production and distribution of cadmium metal and cadmium chemical compounds, Marsha Traynham, 395-4529.

Potash Survey (Miners Report), 6-1252-S, semi-annually, producers of potash, Marsha Traynham, 395-4529.

Sales to Trade and Own Use of Petroleum Products—District 5, 6-1321-M, monthly, petroleum companies in PAD District V, Marsha Traynham, 395-4529.

PHILLIP D. LARSEN,

Budget and Management Officer.

[FR Doc.76-33587 Filed 11-11-76; 8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[Release No. IC-9522; File No. 4-186]

BEARING OF DISTRIBUTION EXPENSES BY MUTUAL FUNDS

Order Directing Public Proceedings and Designating Officers to Take Testimony

On October 12, 1976, there was published in the FEDERAL REGISTER [41 FR 44770] an announcement that the Commission would conduct public hearings with regard to the bearing of distribution expenses by mutual funds.¹ The announcement stated that such hearings would commence on November 17, 1976; that persons wishing to appear at the hearings should submit requests to the staff, in the manner described in the announcement, no later than November 2, 1976; and that written statements should be submitted no later than December 2, 1976.

It is ordered, That such hearings be conducted pursuant to the Commission's authority under the Securities Act of 1933 ("Securities Act"), the Securities Exchange Act of 1934 ("Exchange Act"), and the Investment Company Act of 1940 ("Investment Company Act"), including, but not necessarily limited to, sections 19(b) and 21 of the Securities Act, 15 U.S.C. 77s(b) and 77(u); sections 21(a) and 22 of the Exchange Act, 15 U.S.C. 78u(a) and 78v, and sections 14(b), 41, 42(a), and 42(b) of the Investment Company Act, 15 U.S.C. 80a-14(b), 80a-40, 80a-41(a), and 80a-41(b).

It is further ordered, That such public hearings be conducted before the Commission, any member or members thereof, or Anne P. Jones, Sydney H. Mendelsohn, or Jean W. Gleason, who are hereby named as hearing officers and empowered to administer oaths and affirmations and to perform all other duties in connection with such hearings as prescribed by law. The hearings shall take place November 17, 18 and 22, 1976, and such other days as may be necessary, commencing on each such day at 9:30 a.m., at 500 North Capitol Street, Washington, D.C.

It is further ordered, That any interested person who has indicated a desire to give an oral presentation of his views at the hearings may do so at the discretion of the hearing officer, who may allow or disallow such presentation based upon the relevance of the presentation and the similarity to presentations already made or scheduled to be made. Such oral presentations shall be scheduled by the hearing officer during the period of the proceeding.

By the Commission.

Dated: November 10, 1976.

GEORGE A. FITZSIMMONS,

Secretary.

[FR Doc.76-33663 Filed 11-11-76; 8:45 am]

¹ Investment Company Act of 1940 Release No. 9470, October 4, 1976.

[File No. 500-1]

DIVERSIFIED INDUSTRIES, INC.

Suspension of Trading

NOVEMBER 5, 1976.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the securities of Diversified Industries, Inc. being traded on a national securities exchange or otherwise is required in the public interest and for the protection of investors;

Therefore, pursuant to section 12(k) of the Securities Exchange Act of 1934, trading in such securities on a national securities exchange or otherwise is suspended, for the period from November 7, 1976 through November 16, 1976.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-33282 Filed 11-11-76; 8:45 am]

[812-4028]

THOMAS B. WALKER, JR.

Filing of Application for An Order Exempting A Proposed Transaction

Notice is hereby given that Thomas B. Walker, Jr. ("Walker"), 5111 First International Building, Dallas, Texas 75270, has filed an application pursuant to Section 17(b) of the Investment Company Act of 1940 (the "Act") for an order of exemption from section 17(a) (1) of the Act to permit Walker to exchange shares of common stock of American Express Company with a market value of approximately \$500,000 for units of limited partnership interest ("shares") in State Street Exchange Fund (A Limited Partnership) (the "Fund"). All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

The Fund, registered as an open-end diversified management investment company, was organized for the purpose of carrying on the business of an investment company as a limited partnership on December 18, 1975 and has filed Certificates of Limited Partnership under the Uniform Limited Partnership Acts of Massachusetts and California. Currently the Fund has six General Partners, five of whom are individuals and Managing General Partners, and the sixth, State Street Research & Management Company, the Fund's investment adviser, is the Non-Managing General Partner.

On December 19, 1975, the Fund filed a Registration Statement on Form S-5 under the Securities Act of 1933 covering a public offering of its shares in exchange for outstanding stock or other securities of various business corporations. Goldman, Sachs & Co. is acting as "principal underwriter" (within the meaning of Section 2(a)(2) (of the Act) for the Fund in the offering of the shares. Walker is a general partner of Goldman, Sachs & Co.

The offering of the Fund's shares is made to individuals, trustees, corporations and others who may wish to exchange securities owned by them for shares of the Fund. The application asserts that, in general, the companies whose securities are acceptable to the Fund are seasoned enterprises with demonstrated earning power, the securities of which are readily marketable under normal market conditions.

In the application, Walker states that he intends to deposit for inclusion in the Fund's portfolio, subject to being found acceptable by the Fund, and subject to the granting by the Commission of the order herein requested, shares of common stock of American Express Company of an approximate market value of \$500,000. The actual number of shares so to be deposited will depend on the market price for American Express Company common stock at the time of deposit. American Express Company common stock is traded in the over-the-counter market and reported on NASDAQ. It is included in the "Representative List of Acceptable Securities" in the Fund's Prospectus.

Section 17(a)(1) of the Act, with certain exceptions not here relevant, prohibits an affiliated person of the principal underwriter for a registered investment company from selling any securities or other property to such registered company. Section 17(b) of the Act provides, however, that the Commission, upon application, may exempt a transaction from the provisions of section 17(a) of the evidence establishes that the terms of the transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned, and that the proposed transaction is consistent with the policy of the registered investment company concerned and with the general purposes of the Act.

Inasmuch as Walker, as a general partner of Goldman, Sachs, & Co., is deemed to be an affiliated person of the principal underwriter for the Fund, the proposed exchange transaction described above would be prohibited by said section 17(a)(1) unless the Commission issues an order exempting such transaction from the provisions thereof.

In support of Walker's request, the application asserts that the proposed transaction between the Fund and Walker will be treated on the same basis as the transactions between the Fund and any other depositor whose securities are accepted by the Fund and that the securities proposed to be deposited by Walker will be subject to the same review as those deposited by others in other transactions.

Walker further states that, subject to the Fund's investment restrictions and overall investment objectives, he has been informed that:

(a) The Fund will not reject any American Express Company common stock deposited by persons other than Walker if such stock has the same or a higher federal tax cost basis than the average federal tax cost basis of such stock deposited by Walker and accepted by the Fund (in each case as a percentage of market value as of the close of the deposit period); and

(b) The Fund will not accept American Express Company common stock deposited by Walker unless the average federal tax cost basis of all such work so accepted, stated as a percentage of its aggregate market value, is at least equal to the aggregate federal tax cost basis of all securities accepted from depositors other than Walker plus the aggregate cash being invested in the Fund by depositors other than Walker, stated as a percentage of the aggregate market value as of the close of the deposit period of all securities so accepted from, plus all cash so being invested by, depositors other than Walker.

Walker represents in the application that if the exemption requested is granted, he will not effect the proposed transaction unless the Fund complies with the foregoing limitations.

Walker submits that the terms of this proposed transaction are reasonable and fair, and consistent with the Fund's policy and the general purposes of the Act.

Notice is further given that any interested person may, not later than November 30, 1976, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter, accompanied by a statement as to the nature of his interest, the reasons for such request and the issuers of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Walker at the address stated above. Proof of such service by affidavit or, in case of an attorney at law, by certificate shall be filed contemporaneously with the request. As provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-33281 Filed 11-11-76;8:45 am]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area No. 1280, Amdt. No. 1]

PENNSYLVANIA

Declaration of Disaster Loan Area

The above numbered Declaration (See 41 FR 48200) is amended in accordance with the President's declaration of October 20, 1976, to include Juniata, Northumberland, and Sullivan Counties, within the State of Pennsylvania. The Small Business Administration will accept applications for disaster relief loans from disaster victims within the above-named counties, and adjacent counties within the State, and is extending the filing date for physical damage until the close of business on December 27, 1976, and for economic injury until the close of business on July 27, 1977.

Dated: November 3, 1976.

MITCHELL P. KOBELINSKI,
Administrator.

[FR Doc.76-33275 Filed 11-11-76;8:45 am]

DEPARTMENT OF THE TREASURY

Office of Revenue Sharing

[Administrative Ruling 76-2]

REVENUE SHARING FUNDS

Reporting Requirements for Actual Use Report Entitlement Period Seven

Section 51.11(b) of the regulations (31 CFR 51.11(b)) promulgated pursuant to the State and Local Fiscal Assistance Act of 1972 (31 U.S.C. 1221, et seq.), provides that each recipient government which receives entitlement funds shall submit to the Secretary an annual report of the amounts and purposes for which such funds have been spent or otherwise transferred from the trust fund as defined in § 51.70(a). This Section further provides that such reports shall show the status of the trust fund including its balance as of June 30 and shall be filed with the Secretary on or before September 1 of each calendar year.

The Entitlement Period Seven is only six months in duration, covering the dates of July 1, 1976 to December 31, 1976 (as defined in § 51.2(f)). Accordingly, it becomes necessary to change the date upon which the actual use reports for Entitlement Period Seven become due.

Therefore, it is the determination of the Department of the Treasury that the Actual Use Report for Entitlement Period Seven shall show the status of the recipient governments' trust fund including its balance as of December 31, 1976 and that the Actual Use Report shall be filed with the Office of Revenue Sharing on or before March 1, 1977.

Dated: November 1, 1976.

JEANNA D. TULLY,
Director, Office of
Revenue Sharing.

[FR Doc.76-33287 Filed 11-9-76;10:42 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 187]

ASSIGNMENT OF HEARINGS

NOVEMBER 9, 1976.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

AB 3 (Sub 9), Missouri Pacific Railroad Company Abandonment Between Dearing and Dexter in Montgomery, Chautauqua and Cowley Counties, Kansas now being assigned January 26, 1977 (3 days) at Independence, Kansas in a hearing room to be later designated.

MC 83539 (Sub 435), C & H Transportation Co., Inc. now being assigned January 31, 1977 (1 day) at Kansas City, Missouri in a hearing room to be later designated.

MC 138627 (Sub 11), Smithway Motor Xpress, Inc. now being assigned February 1, 1977 (1 day) at Kansas City, Missouri in a hearing room to be later designated.

MC-C 9238, Chicago Kansas City Freight Lines, Inc.—Investigation and Revocation of Certificates now being assigned February 2, 1977 (1 day) at Kansas City, Missouri in a hearing room to be later designated.

MC 118159 (Sub 173), National Refrigerated Transport, Inc. now being assigned February 3, 1977 (2 days) at Kansas City, Missouri in a hearing room to be later designated.

MC 140361 (Sub 4), Columbus Parcel Service, Inc. now being assigned February 8, 1977 (9 days) at Columbus, Ohio in a hearing room to be later designated.

No. MC 134501 (Sub-No. 15), Incorporated Carriers, Ltd., application dismissed.

No. MC 111545 (Sub-No. 224), Home Transportation Company, Inc., application dismissed.

No. MC 133566 (Sub-No. 51), Gangloff & Downham Trucking Co., Inc., now assigned November 15, 1976, at Chicago, Ill. is canceled and transferred to Modified Procedure.

MC 136596 Sub-No. 4, Norman H. Davis, DBA Davis Service Co., now assigned December 6, 1976 at Philadelphia, Pa., will be held in Room 3240, Wm. J. Green, Jr. Federal Bldg., 600 Arch Street.

MC 139495 (Sub 144), National Carriers, Inc. now being assigned January 18, 1977 (1 day) at Kansas City, Missouri in a hearing room to be later designated.

MC 136786 (Sub 96), Robco Transportation, Inc. now being assigned January 19, 1977 (1 day) at Kansas City, Missouri in a hearing room to be later designated.

MC 138627 (Sub 10), Smithway Motor Xpress, Inc. now being assigned January 20, 1977 (2 days) at Kansas City, Missouri in a hearing room to be later designated.

MC 114211 (Sub 263), Warren Transport, Inc. now being assigned January 24, 1977 (1 week) at Kansas City, Missouri in a hearing room to be later designated.

MC 135691 (Sub-No. 13), Dallas Carriers Corp., now assigned November 30, 1976 at Chicago, Illinois; will be held in Court Room 1903, Everett McKinley Dirksen Building, 219 South Dearborn Street.

MC 124813 (Sub-No. 143), Umthun Trucking Co., now assigned December 1, 1976 at Chicago, Illinois; will be held in Court Room 1903 Everett McKinley Dirksen Building, 219 South Dearborn Street.

MC 140612 (Sub-No. 5), Robert F. Kazimour, now assigned December 2, 1976 at Chicago, Illinois; will be held in Court Room 1903 Everett McKinley Dirksen Building, 219 South Dearborn Street. MC 107295 (Sub-No. 808), Pre-Fab Transit Co., now assigned December 6, 1976 at Chicago, Illinois; will be held in Court Room 1903 Everett McKinley Dirksen Building, 219 South Dearborn Street.

MC 114211 (Sub-No. 260), Warren Transport, Inc., now assigned December 7, 1976 at Chicago, Illinois; will be held in Court Room 1903 Everett McKinley Dirksen Building, 219 South Dearborn Street.

MC 124813 (Sub-No. 145), Umthun Trucking Co., now assigned December 8, 1976 at Chicago, Illinois; will be held in Court Room 1903 Everett McKinley Dirksen Building, 219 South Dearborn Street.

MC 133146 (Sub-No. 15), International Transportation Service, Inc., now assigned December 9, 1976 at Chicago, Illinois; will be held in Court Room 1903 Everett McKinley Dirksen Building, 219 South Dearborn Street.

MC 136987 (Sub-No. 13), Remington Freight Lines, Inc., now assigned December 10, 1976 at Chicago, Illinois; will be held in Court Room 1903 Everett McKinley Dirksen Building, 219 South Dearborn Street.

H. GORDON HOMME, Jr.,
Acting Secretary.

[FR Doc.76-33482 Filed 11-11-76;8:45 am]

[Notice No. 188]

ASSIGNMENT OF HEARINGS

NOVEMBER 9, 1976.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

CORRECTION

MC 114533 (Sub 341) Bankers Dispatch Corporation now being assigned March 28, 1977 (10 days) at Kansas City, Missouri for hearing in a hearing room to be later designated instead of March 28, 1977 for continued pre-hearing conference.

H. GORDON HOMME, Jr.,
Acting Secretary.

[FR Doc.76-33483 Filed 11-11-76;8:45 am]

BUFFALO, ROCHESTER AND PITTSBURGH RAILWAY CO. AND BALTIMORE AND OHIO RAILROAD CO.

Abandonment Between Ashford and Leroy, Including Silver Lake Branch Between Silver Lake Junction and Chace, in Genesee, Wyoming, Allegany and Cattaraugus Counties, New York

OCTOBER 29, 1976.

The Interstate Commerce Commission hereby gives notice that its Environmental Affairs Staff has concluded that the proposed abandonment by the Buffalo, Rochester and Pittsburgh Railway and the Baltimore and Ohio Railroad Company of a portion of its Main Line 4th Subdivision between Ashford and LeRoy, in Genesee, Wyoming, Allegany, and Cattaraugus Counties, New York, a distance of 66.85 miles and its Silver Lake Branch between Silver Lake Junction and Chace, all in Wyoming County, New York, a distance of 2.27 miles, if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, et seq., and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that the associated environmental impacts are considered insignificant because the two major stations on the line, which collectively generate approximately 74 percent of the involved traffic, will retain direct rail service from other rail lines (ConRail). Any resultant traffic diversion to motor carriers, however, could adequately be accommodated by area highways with minimal impacts on air quality, ambient noise levels, fuel consumption, and safety. In addition, no historic sites or major ecological effects are involved. Furthermore, the environmental impacts (including rail congestion) of rerouting the overhead traffic via Buffalo are not expected to be significant because of the existing level of traffic and condition of the alternate route.

This conclusion is contained in a staff-prepared environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-275-7011.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C., 20423, on or before December 13, 1976.

It should be emphasized that the environmental threshold assessment survey represents an evaluation of the environmental issues in the proceeding and does not purport to resolve the issue of whether the present or future public convenience and necessity permit discontinuance of the line proposed for abandonment. Consequently, comments on the environmental study should be limited

to discussion of the presence or absence of environmental impacts and reasonable alternatives.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-33486 Filed 11-11-76;8:45 am]

FOURTH SECTION APPLICATION FOR RELIEF

NOVEMBER 9, 1976.

An application, as summarized below, has been filed requesting relief from the requirements of section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1100.40) and filed on or before November 29, 1976.

PSA No. 43267—Nitric Acid from El Dorado, Arkansas. Filed by Southwestern Freight Bureau, Agent, (No. B-642), for and on behalf of Missouri Pacific Railroad Company. Rates on acid, nitric, in tank-car loads, as described in the application, from El Dorado, Arkansas, to East St. Louis, Illinois and St. Louis, Missouri.

Grounds for relief—Market competition.

Tariff—Supplement 71 to Southwestern Freight Bureau, Agent, tariff 34-A, I.C.C. No. 5191. Rates are published to become effective on December 6, 1976.

PSA No. 43268—Vinyl Chloride from Points in Louisiana and Texas. Filed by Southwestern Freight Bureau, Agent, (No. B-619), for interested rail carriers. Rates on vinyl chloride, in tankcar loads, as described in the application, from specified points in Louisiana and Texas, to specified points in New Jersey.

Grounds for relief—Market competition.

Tariff—Supplement 18 to Southwestern Freight Bureau, Agent, tariff 12-J, I.C.C. No. 5219. Rates are published to become effective on December 7, 1976.

PSA No. 43269—Plasticizers or Solvents from Points in Texas. Filed by Southwestern Freight Bureau, Agent, (No. B-640), for interested rail carriers.

Rates on plasticizers or solvents, in tank-car loads, as described in the application, from specified points in Texas, to Port Everglades, Florida.

Grounds for relief—Rate relationship. **Tariff—Supplement 32 to Southwestern Freight Bureau, Agent, tariff 357-C, I.C.C. No. 5215.** Rates are published to become effective on December 13, 1976.

By the Commission.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc.76-33485 Filed 11-11-76;8:45 am]

[AB 43 (Sub-Nos. 13, 18, 19)]

ILLINOIS CENTRAL GULF RAILROAD CO.

Abandonment Between Certain Lines

OCTOBER 29, 1976.

Illinois Central Gulf Railroad Company abandonments between Croft and Sherman in Sangamon and Menard Counties, Illinois, AB 43 (Sub-No. 18), Illinois Central Gulf Railroad Company abandonment between San Jose and Croft in Menard and Logan Counties, Illinois, AB 43 (Sub-No. 19), Illinois Central Gulf Railroad Company abandonment between Grove and San Jose, in Mason and Tazewell Counties, Illinois.

The Interstate Commerce Commission hereby gives notice that its Environmental Affairs Staff has concluded that the above-entitled proposed abandonments, if approved by the Commission, do not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, et seq., and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that the environmental impacts of these proposed actions are considered insignificant because of the low volume of traffic involved and the absence of any major historic, safety or socio-economic impacts involved. Impacts upon air quality and fuel consumption resulting from a diversion to motor carrier are considered minimal. Other impacts resulting from these actions upon water quality,

noise and wildlife are found to be minimally adverse.

This conclusion is contained in a staff-prepared environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-275-7011.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C., 20423, on or before December 13, 1976.

It should be emphasized that the environmental threshold assessment survey represents an evaluation of the environmental issues in the proceedings and does not purport to resolve the issue of whether the present or future public convenience and necessity permit discontinuance of the line proposed for abandonment. Consequently, comments on the environmental study should be limited to discussion of the presence or absence of environmental impacts and reasonable alternatives.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-33487 Filed 11-11-76;8:45 am]

[Notice No. 65]

MOTOR CARRIER TRANSFER PROCEEDINGS

NOVEMBER 12, 1976.

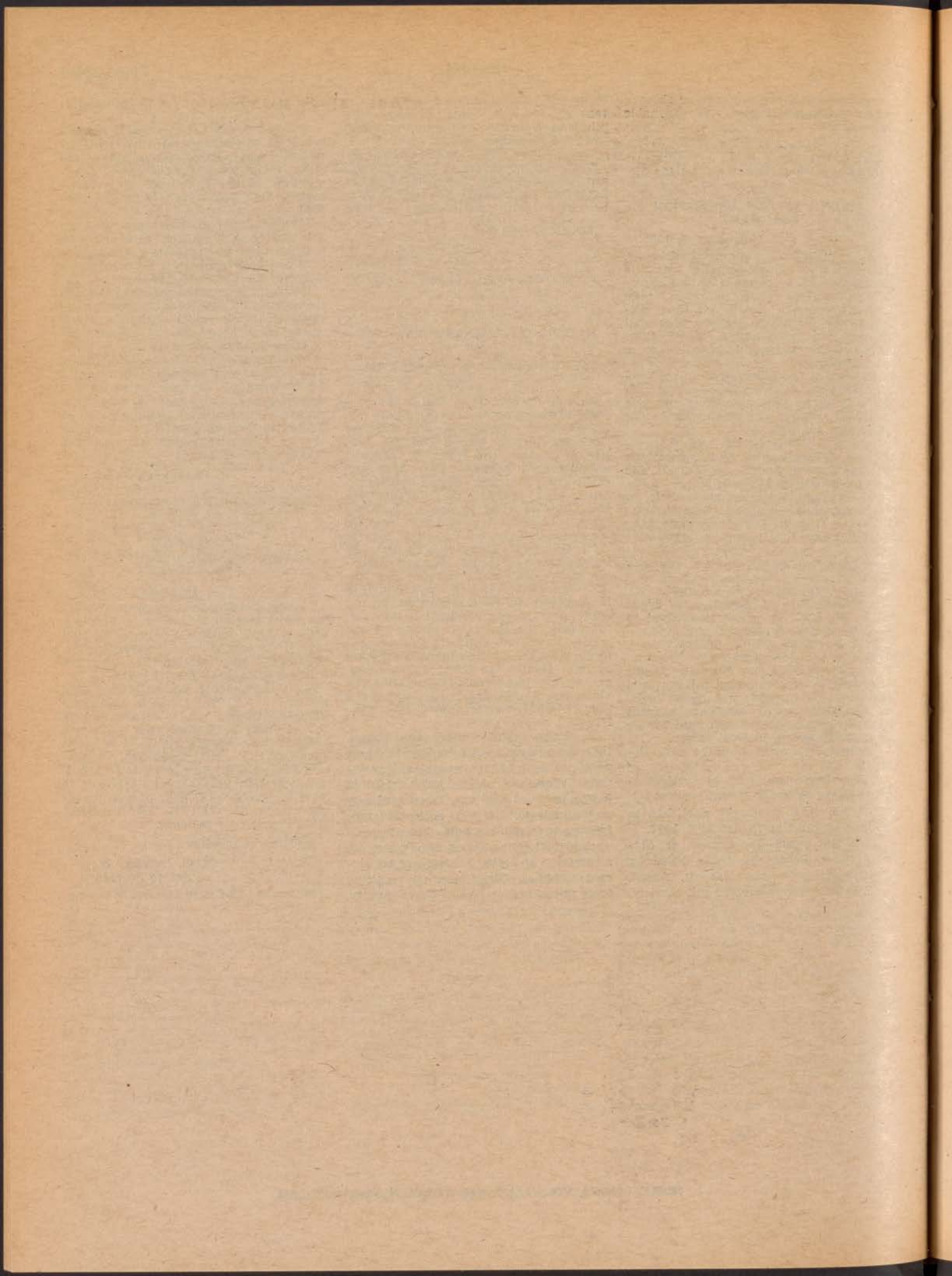
Application filed for temporary authority under section 210a(b) in connection with transfer application under section 212a(b) in connection with transfer application under section 212a(b) and transfer rules, 49 CFR Part 1132.

No. MC-FC-76816. By application filed November 4, 1976, DI-JUB LEASING CORP., P.O. Box 155 Uptown, Hoboken, N.J., 07030, seeks temporary authority to lease the operating rights of WATER TRANSPORT, INC., Suite 960, 17 Battery Place North, New York, N.Y., 10004, under section 210a(b). The transfer to DI-JUB LEASING CORP., of the operating rights of WATER TRANSPORT, INC., is presently pending.

By the Commission.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc.76-33484 Filed 11-11-76;8:45 am]



federal register

FRIDAY, NOVEMBER 12, 1976



PART II:

DEPARTMENT OF LABOR

Office of the Secretary



PROCEDURES FOR EMPLOYMENT AND TRAINING ADMINISTRATION PROGRAMS

OMB Circular A-95

Title 29—Labor

SUBTITLE A—OFFICE OF THE SECRETARY OF LABOR

OMB CIRCULAR A-95

Procedures For ETA Programs

On Tuesday, April 27, 1976, the Department of Labor published in the *FEDERAL REGISTER* (41 FR 17682) proposed amendments to Title 29 of the Code of Federal Regulations to implement the requirements of Office of Management and Budget (OMB) Circular A-95, revised on January 13, 1976, at 41 FR 2052. The Department invited interested persons to comment on the proposed regulations until May 27, 1976.

Comments were received. The Department studied these comments carefully, and established an evaluation procedure to allow consideration of each comment on its own merits and in relation to other comments received on the same or similar subjects.

This evaluation procedure has resulted in a decision to amend Title 29 in certain respects.

The following regulations represent a complete compilation of A-95 procedures for Employment and Training Administration (ETA) programs covered by OMB Circular A-95 except for the Work Incentive Program. Persons interested in retaining a compilation should keep this publication because these regulations will be incorporated into the regulations of each covered program. It should be noted that the few non-A-95 requirements, contained herein for clarity, are subject to later amendment.

In 29 CFR Part 94, containing the general provisions for programs under the Comprehensive Employment and Training Act (CETA) of 1973, as amended, the table of contents for 29 CFR Part 97a is changed to add a Subpart H containing A-95 procedures for the Job Corps program.

In 29 CFR Part 95, containing the regulations for comprehensive employment and training services under Title I of CETA, §§ 95.11, 95.15, 95.18, 95.21, 95.52, 95.53, and 95.54 are amended to implement the requirements of Part I of Attachment A, OMB Circular A-95. No substantive changes have been made to the A-95 procedures originally set forth in the proposed regulations of April 27, 1976. The non-A-95 requirements contained in Part 95 for clarity, however, have been changed to bring them in conformance with the final Title I and II regulations for CETA, published in the *FEDERAL REGISTER* on June 25, 1976 (41 FR 26334).

In 29 CFR Part 96, containing the regulations for programs under Title II of CETA, the A-95 procedures for Part 95 apply to Part 96, Subpart B, insofar as Part 96 makes reference to the procedures set forth in Part 95.

In 29 CFR Part 96, Subpart D, containing the regulations for CETA Title II programs for Indian tribes on Federal and State reservations, section 96.45 is amended to implement the requirements of Part I(2)(c) of Attachment A, OMB Circular A-95.

In 29 CFR Part 97a, containing the regulations pertaining to the Job Corps program, A-95 procedures are added. Following a preliminary analysis of the impact of Part I of Attachment A, OMB Circular A-95, on Job Corps programs, the Department has concluded that a procedural variation from A-95 procedures is necessary due to statutory and regulatory limitations which make standard review procedures inappropriate. Therefore, 29 CFR Part 97a is amended by adding a new Subpart H.

Following an analysis of the impact of Part I of Attachment A, OMB Circular A-95 on the Migrant and Other Seasonally Employed Farmworkers Program, the Department of Labor and OMB found a procedural variation from A-95 procedures necessary due to statutory and regulatory limitations which make standard review procedures inappropriate. The A-95 procedures at 29 CFR 97.214 and 97.216 were, therefore, published as final regulations in the *FEDERAL REGISTER* on July 9, 1975 (40 FR 28980). These procedures are changed herein only as a means of clarifying current A-95 procedures. They are printed herein primarily in order to provide a single package of procedures for all Employment and Training Administration programs covered under OMB Circular A-95.

AUTHORITY: Sec. 702(a), Pub. L. 93-203, 87 Stat. 839, Pub. L. 93-567, 88 Stat. 1845; OMB Circular A-95, 41 FR 2052.

Accordingly, Parts 94, 95, 96, 97, 97a of Title 29 of the Code of Federal Regulations are revised, effective on December 13, 1976, as follows:

PART 94—GENERAL PROVISIONS UNDER THE COMPREHENSIVE EMPLOYMENT AND TRAINING ACT

1. Section 94.3 is amended by adding Subpart H and three new sections to Part 97a as follows:

§ 94.3 Consolidated table of contents for Parts 94-99.

PART 97a—JOB CORPS PROGRAM UNDER THE COMPREHENSIVE EMPLOYMENT AND TRAINING ACT

SUBPART H—A-95 PROCEDURES

97a.130 Notification of intent.
97a.131 Content and description of notification of intent.
97a.132 Review and comment.

PART 95—PROGRAMS UNDER TITLE I OF THE COMPREHENSIVE EMPLOYMENT AND TRAINING ACT

2. Section 95.11 is amended by revising paragraph (a) in its entirety as follows:

§ 95.11 Preapplication for Federal Assistance: consortium agreements.

(a)(1) The Secretary of Labor, through a notice in the *FEDERAL REGISTER*, shall annually inform all potential prime sponsor applicants of their eligibility to receive funds under Title I. A prime sponsor applicant interested in re-

ceiving financial assistance shall submit by a date specified by the Secretary in the *FEDERAL REGISTER* notice and not later than 30 days prior to the submission of its completed grant application to the clearinghouses for formal review, as specified in § 95.15(c), a preapplication to the RA, the Governor and the appropriate State and areawide A-95 clearinghouses (See Part I of Attachment A, OMB Circular A-95). The preapplication shall consist of Standard Form 424 as prescribed by Federal Management Circular (FMC) 74-7, with an attachment giving the following information:

(i) Population of area(s) to be served;
(ii) Certification that the prime sponsor applicant, except for CEP and consortia prime sponsor applicants, has the required general government authority as defined in § 94.4 of this subtitle;

(iii) Name of any ineligible unit of general local government located within the prime sponsor applicant's jurisdiction that has informed the prime sponsor applicant that it will not be participating in the prime sponsor applicant's plan.

(iv) Certification that the development of the prime sponsor applicant's plan will be in accordance with the requirements of the Act and regulations; and

(v) The signature of the chief elected official(s) or chief executive officer(s), as appropriate, of each prime sponsor applicant. For a newly formed consortium, and for a consortium in which one or more members have joined or withdrawn, the signature of the chief elected official or chief executive officer of each consortium member is required. In the case of an established consortium with no membership changes, the preapplication may, with the consent of all consortium members, be signed by the consortium's chief executive officer.

(2) State and areawide clearinghouses may request information in addition to that furnished on the preapplication form. Such a request shall be made within a reasonable period of time in order to avoid delay in a prime sponsor applicant's preparation of its grant application.

(3) The A-95 clearinghouses shall, within 30 days of receiving the preapplication, inform the prime sponsor applicant of any actual or potential problems with the preapplication and notify the prime sponsor applicant if they wish to review the completed application. If the prime sponsor applicant receives no such notification, the prime sponsor applicant has fulfilled its obligation under A-95 and it may submit its application to the RA without submitting it to the A-95 clearinghouses as specified in § 95.15(d).

3. Section 95.15 is revised to read as follows:

§ 95.15 Comment and publication procedures relating to submission of grant application.

(a)(1) Prime sponsor applicants are required to make public, provisions of the

proposed Comprehensive Manpower Plan prior to submission to the RA (Secs. 105(c)(2) and 108).

(2) The requirement to make the plan public, which is necessary to create public awareness of the proposal and to obtain comments from interested parties, may be fulfilled through public hearings on the plan or through public notice in newspapers, bulletins, or other media sources. At a minimum, each prime sponsor applicant shall make the proposed plan public as provided in paragraphs (b), (c), and (d) of this section.

(b)(1) Each prime sponsor applicant shall publish in a minimum of one issue of a newspaper or newspapers (including minority newspaper(s), where feasible) which will provide for a general circulation throughout the area to be served by the prime sponsor's plan, a statement indicating the following information:

(i) The source of funds under which the grant is requested;

(ii) The amount of grant allotment;

(iii) A brief summary of the purpose of the grant, e.g., an explanation of the employment and training opportunities which are proposed for funding; and

(iv) The location and hours when the complete grant application and a comparison of performance against prior year's plan through the most recent quarter can be reviewed and the address and phone number where questions and comments may be directed.

(2) The publication shall be made 30 days prior to the submission of the application to the RA. A copy of the newspaper article shall be transmitted to the RA.

(c) Each prime sponsor applicant shall provide a copy of its application for the purpose of commenting thereon, to the Governor 30 days prior to its submission to the RA. At the same time it shall provide a summary to appropriate units of general local government within its jurisdiction with a population of at least 25,000 persons, to appropriate Indian prime sponsors, and to labor organizations representing employees engaged in similar work in the same areas as that for which enrollees will receive subsidized employment or training.

(d) Each applicant that, in response to the submittal of its preapplication, has received notification from the appropriate State and sub-State clearinghouse(s) that it wishes to review the completed application (see § 95.11(a)(3)) should also provide a copy of its application to such clearinghouse(s) 30 days prior to its submission to the RA.

(e) Comments pursuant to paragraph (b), (c), and (d) shall be made to the prime sponsor applicant and the RA within 30 days of publication. A prime sponsor applicant shall acknowledge any written comment made pursuant to this section. It shall inform any party submitting a substantive written comment of whether any plan revision will be made in response to the comment and the reasons for the prime sponsor applicant's determination. The prime sponsor applicant shall provide copies of all writ-

ten comments to the Planning Council and the Governor. In addition, all substantive written comments and responses will be transmitted to the RA with the grant application, unless the comments which were made during the 30 day period are received after the application's submission, in which case they will be sent separately to the RA.

(f) Where no comments have been received from an A-95 clearinghouse, or where the clearinghouse has not requested to review the grant application, the prime sponsor applicant shall so indicate in the appropriate item on Standard Form 424, noting clearinghouses which sent no response after reviewing the application, and clearinghouses which did not request to review the application after receiving the preapplication.

4. Section 95.18 is revised to read as follows:

§ 95.18 Application approval; grant agreement.

(a) An application for a grant shall be approved if it meets the requirements of the Act, the regulations promulgated under the Act, other applicable law, and if the RA determines that the prime sponsor has demonstrated maximum efforts to meet the goals of the prior year's plan.

(b) An application for a grant from a consortium, or pursuant to a State multi-jurisdictional agreement, shall be approved if, in addition to meeting the specifications in paragraph (a) of this section, an agreement among the parties has been submitted to and approved by the RA.

(c) (1) A prime sponsor applicant, the Governor, and the A-95 clearinghouse shall be notified by the RA within 7 days after taking action on the application. The Standard Form 424, as prescribed by FMC 74-7, shall be used for this purpose. If any party commenting to the RA pursuant to the A-95 clearinghouse review process recommends disapproval of the grant in whole or in part and if the RA after review of the recommendation determines that the grant should be approved, the RA shall inform the party making the comment of the reasons for the RA's determination on the Standard Form 424, along with the notification of action taken.

(2) Where a clearinghouse has recommended against approval of an application because it conflicts with or duplicates another Federal or federally assisted project, the RA shall consult with the agency assisting the referenced projects prior to taking action on the application.

(3) If an application is approved, the RA shall provide the prime sponsor with a grant agreement, consisting of the Grant Signature Sheet and the Assurances and Certification Form, and the Comprehensive Manpower Plan which is included by reference. The Comprehensive Manpower Plan shall be attached to the grant agreement.

(d) The grant agreement for the subsequent program year may be effectuated by a modification to the existing grant. In such cases all of the requirements in Subpart B of this Part 95 apply.

5. Section 95.21 is revised to read as follows:

§ 95.21 Modification.

(a) *Major modifications.* (1) A major modification to the grant is required under any of the following conditions:

(i) Change in duration of the grant;

(ii) Change in grant allotment;

(iii) Change in the assurances and certifications;

(iv) Substantial change in program design and/or program goals defined as follows:

(A) When the cumulative number of individuals to be served, planned enrollment levels for program activities, planned placement terminations, individuals to be served within significant segments, is to be increased or decreased by 15 percent or more.

(B) For grants of \$100,000 or less, when the cumulative transfer of funds among program activities or cost categories exceeds \$15,000.

(C) For grants of over \$100,000, when the cumulative transfer of funds among program activities or cost categories exceeds \$50,000 or 15 percent of the total grant budget whichever is greater.

(D) When the program design is altered significantly such as when there is a change in the allowance payment system (e.g., provisions for allowance waivers), development or elimination of a program activity, or when 10% or more of the public service employment positions are to be used for rehiring laid-off employees; and

(v) At the initiation of the RA, after consultation with the prime sponsor, to insure compliance with the regulations and/or to insure responsiveness to changing economic conditions. A prime sponsor is responsible for assuring that its programs are responsive to the changing economic situation in its jurisdiction and for making appropriate modifications to its plan. The RA may request a reassessment and appropriate modification when the RA believes that the changing economic situation in a jurisdiction makes such a reassessment appropriate. If the prime sponsor disagrees with the RA's request for a modification pursuant to the conditions in the subparagraph (a)(4)(v) of this section it may initiate a hearing pursuant to § 98.47 of this subtitle.

(2) Major grant modifications will not be initiated solely to adjust planned performance to meet actual performance.

(b) *A-95 Clearance.* (1) Modifications require clearance through the A-95 clearinghouses only under the following conditions:

(i) There is a cumulative increase or decrease in funds equal to or more than 15 percent of the grant allotment for the current program year; and/or

(ii) The grant is extended for a period of more than 3 calendar months; and/or

(iii) The RA directs that A-95 clearance is required for a particular modification.

(2) (i) When A-95 clearance is required, the prime sponsor, whenever possible, shall provide notification to the appropriate A-95 State and areawide clearinghouses of its intent to modify its grant 60 days prior to submission of the formal modification to the RA. The notification of intent should consist of a revised form SF 424 and a brief description of the anticipated modification. If within 30 days from submission of such notification, the prime sponsor receives no notification from the A-95 clearinghouses that they wish to review the modification, the prime sponsor has fulfilled its obligation under A-95 and may submit its modification to the RA without submitting it to the A-95 clearinghouses as specified in paragraph (b) (2) (ii) of this section.

(ii) When a prime sponsor has not provided notification as specified in paragraph (b) (2) (i) of this section, or when it has provided this notification and the clearinghouses have requested to review the completed modification, the prime sponsor shall in all cases submit a copy of its modification to the clearinghouses for comment 30 days prior to its submission to the RA.

(iii) Where no comments have been received from A-95 clearinghouses, or where the clearinghouses have not requested to review the completed modification, the prime sponsor shall so indicate in the appropriate item on the revised Standard Form 424, noting clearinghouses which sent no response after receiving the modification and clearinghouses which did not request to review the completed modification after being notified of the prime sponsor's intent to modify.

(c) *Format.* Modifications pursuant to paragraphs (a) and (b) of this section shall consist of the following:

(1) Revised form SF 424 (if A-95 clearance is required); and

(2) Revised Program Planning Summary and Budget Information Summary for current and future quarters only; except that a modification not involving a change in the grant allotment must be received in the regional office within 30 days of the beginning of the current quarter in order to include changes to the current quarter goals.

(3) Revised Signature Sheet;

(4) Narrative description of the changes made and certification that the review and comment procedures in paragraph (d) of this section have been complied with.

(5) A copy of the newspaper announcement required in paragraph (d) of this section.

(6) Revised portions of the program narrative description, if appropriate.

(7) Revised Occupational Summary, if appropriate.

(d) *Publication and Comment.* (1) No later than the date of submission to

the RA, a copy of any proposed modification pursuant to paragraphs (a) and (b) of this section shall be forwarded to the Governor and summaries of the modifications shall be provided to appropriate units of general local government with a population of at least 25,000, to appropriate Indian sponsors, and to labor organizations representing employees engaged in similar work in the same area as that for which participants will receive subsidized employment or training; and the prime sponsor shall publish in a minimum of one issue of a newspaper or newspapers (including minority newspaper(s), where feasible) of general circulation throughout the area to be served a notice of the prime sponsor's intent to request a modification, a brief summary of the purpose of the proposed modification, and the location and hours when the complete modification can be reviewed and the phone number where questions and comments may be directed.

(2) Comments pursuant to paragraphs (b) (2) (ii) and (d) (1) of this section shall be made to the prime sponsor and the RA within 30 days of publication. All substantive written comments and responses will be transmitted to the RA with the modification, unless comments are received after the modification's submission, in which case they will be sent separately to the RA.

(3) A prime sponsor shall acknowledge any written comment made pursuant to this section. It shall inform any party submitting a substantive written comment of whether any plan revision will be made in response to the comment and the reasons for the prime sponsor's determination.

(e) *Notification of Action.* (1) RA shall take final action on approval or disapproval of any proposed modification within 30 days of receipt. Within 7 days after taking action, the RA shall notify the prime sponsor and the Governor of the action.

(2) A denial of a prime sponsor's request for a modification shall be subject to the appeal procedures set out in Part 98 of this subtitle.

(3) The procedures in § 95.18(c) (1) and (2) shall apply to modifications under paragraph (b) of this section.

(f) *Incremental Funding.* When the grant allotment is obligated by the RA in increments, each subsequent obligation by the RA requires a new grant signature sheet to be signed by an authorized representative of the Department of Labor. Such a signature sheet does not require a revised Comprehensive Manpower Plan, and does not require publication, comment or A-95 clearance procedures to be followed.

(g) *Minor modifications.* A prime sponsor may make any change, consistent with the regulations in this Part and Part 98 of this Subtitle in its Program Planning Summary, Budget Information Summary, or narrative description which is not set out in paragraph (a) of this section without prior approval, but must show any such change in the First Program Status Summary and Financial Status Report, as appropriate, sub-

mitted to the Department after the change has been made. At the same time this report is submitted, an updated Program Planning Summary, Budget Information Summary, or narrative description, as appropriate, shall also be submitted to the RA. Only those lines and columns or portions of the narrative affected by the modification need be submitted. Comments and publication requirements do not apply to minor modifications. Minor modifications shall not be initiated solely to adjust planned performance to meet actual performance.

6. Section 95.52 is amended by revising paragraph (a), (b), (b) (1) and (2) as follows:

§ 95.52 Grant application.

(a) (1) Upon notification by the Secretary of the amount of funds available for a special grant to the State, the Governor shall submit a Special Grant Application to the RA on a date set by the Secretary. Copies of all forms and instructions for the application for Special Grants are contained in the Forms Preparation Handbook.

(b) The Special Grant Application shall contain the following:

(1) *Application for Federal Assistance.* The Governor shall comply with the pre-application and comment and publication requirements specified in § 95.11 and § 95.15, except that in providing summaries of the grant application as specified in § 95.15(c), such summaries shall be provided to each prime sponsor in the State and to units of general local government within the Balance of State with a population of at least 25,000. The Governor shall also provide summaries to appropriate Indian sponsors and labor organizations as specified in § 95.15(c).

(2) Standard Form 424 as prescribed by FMC 74-7 is being used for the application for the special grant.

7. Section 95.53 is revised to read as follows:

§ 95.53 Application approval and disapproval; grant agreement.

(a) In reviewing the grant application, the RA shall utilize the standards specified in 95.17(a) and (b) (1), (4), (7), (8), (9), (10), (11), (12), and (13).

(b) The RA shall approve any grant application which meets the following standards and requirements:

(1) It contains all the required forms, information, and certifications required by the regulations;

(2) It meets the requirements of the Act, the regulations promulgated under the Act, other applicable law, and if the RA determines that the Governor has demonstrated maximum efforts to meet the goals of the prior year's plan.

(c) Section 95.18(c) (1) and (2) applies to grants funded under subpart D of this Part 95.

(d) If an application is approved, the RA shall provide the Governor with a grant agreement, consisting of the Special Grant to Governors Signature Sheet and an Assurances and Certifications Form and the Special Grant Plan which

is included by reference. The Special Grant Plan shall be attached to the grant agreement.

(e) An application for a special grant shall be disapproved if it fails to meet any requirement of the Act, the regulations promulgated under the Act, or any other applicable law. All other conditions set forth in § 95.19 shall apply to the disapproval of special grants.

(f) Upon approval, the Governor shall provide a summary of the Special Grant to each prime sponsor in the State.

8. Section 95.54 is revised to read as follows:

§ 95.54 Modifications.

(a) *Major modifications.* (1) A major modification to a Governor's special grant is required under any of the following conditions:

- (i) Change in duration of the grant;
- (ii) Change in grant allotment;
- (iii) Change in the assurances and certifications;

(iv) Substantial change in program design and/or program goals defined as follows:

(A) When the cumulative number of individuals to be served or the planned placement terminations is to be increased or decreased by 15 percent or more.

(B) When the cumulative transfer of funds among program activities or cost categories exceeds \$50,000 or 15 percent of the total grant budget whichever is greater.

(C) When the program design is altered significantly (see § 95.21(a)(1)(iv)(D)).

(2) Major grant modifications shall not be initiated solely to adjust planned performance to meet actual performance.

(b) *A-95 Clearance.* (1) Modifications require clearance through the A-95 clearinghouse only under the following conditions:

(i) There is a cumulative increase or decrease in funds equal to or more than 15 percent of the grant allotment for the current program year and/or;

(ii) The term of the grant is extended for a period of more than 3 calendar months and/or;

(iii) The RA directs that A-95 clearance is required for a particular modification.

(2)(i) When A-95 clearance is required, the Governor, whenever possible, shall provide notification to the appropriate A-95 State and areawide clearinghouses of its intent to modify its grant 60 days prior to submission of the formal modification to the RA. The notification of intent should consist of a revised form SF 424 and a brief description of the anticipated modification. If within 30 days from submission of such notification, the Governor receives no notification from the A-95 clearinghouses that they wish to review the modification, the Governor has fulfilled its obligation under A-95 and may submit the modification to the RA without submitting it to the A-95 clearinghouses as specified in paragraph (b)(2)(ii) of this section.

(ii) When the Governor has not provided notification as specified in para-

graph (b)(2)(i) of this section or when the Governor has provided this notification and the clearinghouse(s) have requested to review the completed modification, the Governor shall in all cases submit a copy of its modification to the clearinghouses for comment 30 days prior to its submission to the RA.

(iii) Where no comments have been received from A-95 clearinghouses or where the clearinghouses have not requested to review the completed modification, the Governor shall so indicate in the appropriate item on the revised SF 424, noting clearinghouses which sent no response after receiving the modification, and clearinghouses which did not request to review the completed modification after being notified of the Governor's intent to modify.

(c) *Format.* Modifications pursuant to paragraphs (a) and (b) of this section shall consist of the following:

(1) Revised Form SF 424 (if A-95 clearance is required);

(2) Revised Special Grant Program Planning Summary and Budget Information Summary for current and future quarters only; except that a modification not involving a change in the grant allotment must be received in the regional office within 30 days of the beginning of the current quarter in order to include changes to the current quarter goals.

(3) Revised Signature Sheet;

(4) Narrative description of the changes made and certification that the review and comment procedures in paragraph (d) of this section have been complied with.

(5) A copy of the newspaper announcement required in paragraph (d) of this section.

(6) Revised portions of the program narrative description, if appropriate.

(d) *Publication and Comment.* (1) No later than the date of submission to the RA, the Governor shall provide a summary of any modification pursuant to paragraphs (a) and (b) of this section to each prime sponsor in the State and units of general local government within the Balance of State with a population of 25,000 to appropriate Indian sponsors, and to labor organizations representing employees engaged in similar work in the same area as that for which participants will receive subsidized employment or training; and the Governor shall publish in a minimum of one issue of a newspaper or newspapers (including minority newspaper(s), where feasible) of general circulation throughout the area to be served a notice of intent to request a modification, a brief summary of the purpose of the proposed modification, and the location and hours when the complete modification can be reviewed and the phone number where questions and comments may be directed.

(2) Comments pursuant to paragraphs (b)(2)(ii) and (d)(1) of this section shall be made to the Governor and the RA within 30 days of publication. All substantive written comments and re-

sponses shall be transmitted to the RA with the modification, unless comments are received after the modification's submission, in which case they shall be sent separately to the RA.

(3) The Governor shall acknowledge any written comment made pursuant to this section, and shall inform any party submitting a substantive written comment of whether any plan revision will be made in response to the comment and the reasons for such determination.

(e) *Notification of Action.* (1) The RA shall take final action on approval or disapproval of any proposed modification within 30 days of receipt. Within 7 days after taking action, the RA shall notify the Governor of the action.

(2) A denial of a Governor's request for a modification shall be subject to the appeal procedures set out in Part 98 of this Subtitle.

(3) The procedures in § 95.18(c)(1) and (2) shall apply to modifications under paragraph (b) of this section.

(f) The procedures for incremental funding and minor modifications are the same as those specified in § 95.21.

9. Section 96.45 is revised to read as follows:

PART 96—PROGRAMS UNDER TITLE II OF THE COMPREHENSIVE EMPLOYMENT AND TRAINING ACT

§ 96.45 Comment and publication procedures relating to submission of Indian grant applications.

(a) Each eligible Indian applicant which plans to apply for a grant shall, no later than the date of its submission of an application to the Director, Division of Indian and Native American Programs, provide an opportunity to comment on its application to the following officials in accordance with section 206 of the Act:

- (1) The Governor;
- (2) Appropriate officials of units of general local government; and
- (3) Officials of labor organizations representing employees who are engaged in similar work in the same area.

(b) Comments by those individuals and officials listed in paragraph (a) of this section shall be made to the eligible applicant and the Director within 30 days of the receipt of notice of the opportunity to comment.

(c) Eligible Indian applicants shall acknowledge any comments made pursuant to this section by providing the commenting party with appropriate information and notice regarding the actions or revisions the applicant intends to take or adopt, if any, due to the comment. All such comments and responses shall be transmitted to the Director, Division of Indian and Native American Programs.

(d) The Director, Division of Indian and Native American Programs, will notify the appropriate State and areawide clearinghouses of any applications from Federally recognized tribes, upon their receipt.

10. Section 97.214 is amended by revising paragraphs (a), (b) and (c)(1) and (c)(2) as follows:

PART 97—SPECIAL FEDERAL PROGRAMS AND RESPONSIBILITIES UNDER THE COMPREHENSIVE EMPLOYMENT AND TRAINING ACT

Subpart C—Migrant and Other Seasonally Employed Farmworker Programs

§ 97.214 Submission of Funding Request.

(a) An eligible applicant shall submit three copies of the Funding Request to the address listed below:

U.S. Department of Labor, Employment and Training Administration, Patrick Henry Building, Room 7122, 601 D Street, N.W., Washington, D.C. 20213, Attn: Chief, Division of Farmworker Programs.

(b) Two copies of the Funding Request shall also be submitted directly to the appropriate Regional Administrator for Employment and Training Administration at the same time the three copies are submitted to the above address and labeled: Funding Request for CETA 303 Farmworker Programs.

(c) (1) Copies of the Funding Request shall also be submitted to the appropriate State and/or area clearinghouse(s), as well as to those eligible applicant(s) which request an opportunity for review and comment as provided in § 97.211(c) at the same time the Funding Request is submitted to the above address. Eligible applicants shall send a statement to the above address accompanying the Funding Request, indicating that the procedures in this paragraph have been followed.

(2) All comments from clearinghouses and other reviews shall be submitted to the above address by October 8. However, no notification of selection of potential grantee(s) for a State or area will be made until all clearinghouses and other reviews have had at least 30 days from receipt of the Funding Request from that State or area to submit comments.

11. Section 97.216 is amended by revising paragraph (a) in its entirety.

§ 97.216 Notification of selection.

(a) (1) Potential grantees selected as a result of the procedures set forth in § 97.215 shall be so notified by the Secretary. The notification shall invite each potential grantee to negotiate the final terms and conditions of the grant, shall establish the time and place of the negotiations, and shall indicate the State or area to be covered by the grant. Changes in the proposed program's target area and/or funding level are not appealable under the provisions of § 97.290-97.292.

(2) Clearinghouses submitting comments on the application shall be notified of the selection of the potential grantee within seven working days of selection. Where a clearinghouse has recommended against the selection of the potential grantee, the notification shall include an explanation as to the reasons why its

substantive comments were not accepted.

PART 97a—JOB CORPS PROGRAM UNDER THE COMPREHENSIVE EMPLOYMENT AND TRAINING ACT

12. The table of contents for Part 97a is amended by adding a new Subpart H as follows:

Subpart H—A-95 Procedures

Sec.

97a.130 Notification of intent.

97a.131 Content and description of notification of intent.

97a.132 Review of comment.

13. Part 97a is amended by adding the following Subpart H consisting of §§ 97a.130, 97a.131 and § 97a.132 as set forth below:

PART 97a—JOB CORPS PROGRAM UNDER THE COMPREHENSIVE EMPLOYMENT AND TRAINING ACT

Subpart H—A-95 Procedures

§ 97a.130 Notification of intent.

(a) The national office shall notify State and area-wide planning and development clearinghouses of any intent to fund a Job Corps project or program if:

(1) an existing Civilian Conservation Center is to be relocated;

(2) a new Civilian Conservation Center is to be established; or

(3) a contract between a union and the Job Corps national office for the training of corpsmembers in specified trades is to be signed, except when this is a renewal under an existing contract.

(b) Regional offices shall notify State and area-wide planning and development clearinghouses of any intent to fund a Job Corps project or program if:

(1) An existing contract center is to be relocated;

(2) A new contract center is to be established;

(3) A contract for the operation and management of a contract center is due to expire and another contract is to be let, except when the renewal of the contract is under the provisions of the existing contract; or

(4) A substantive modification is being made to an existing contract center's contract for the operation and management of the center. For purposes of this paragraph a substantive modification shall mean:

(i) the change of a center from one sex to coeducational,

(ii) increases or decreases of the number by 25% or more of a center's contracted capacity.

(iii) increases or decreases of a center's estimated cost for performance by 25% or more.

§ 97a.131 Content and description of notification of intent.

(a) The notification of intent shall contain a brief description of the project

or program to be funded or modified including:

(1) The type of organization or organizations that will be eligible to submit proposals for Job Corps funds, or that will be receiving Job Corps funds;

(2) The geographic location of the project or program;

(3) The estimated cost (unless cost information must be kept confidential to insure the integrity of the competitive award process), the target population and the services to be provided; and

(4) The estimated date of the funding or modification.

(b) When an existing center is to be relocated or a new center established, the written reports required by § 97a.24 (a) (1) (i), (b) and (c) covering the site survey and environmental assessment shall be included in the modification.

§ 97a.132 Review and comment.

(a) The notification of intent shall be sent to the appropriate clearinghouse(s) 30 days before the funding or modification as provided in § 97a.130. Clearinghouses shall promptly submit any comments they may have to the regional office or national office, as appropriate. No Job Corps contract or substantive modification subject to these A-95 procedures shall be signed until clearinghouse comments have been received or until 30 days have elapsed from the date the notification of intent was sent, whichever is earlier.

(b) Clearinghouses shall be notified by Standard Form 424 of any major action taken on the projects or programs within 7 working days of such actions. Major actions shall include awards or withdrawals. If a clearinghouse has recommended against approval of a Job Corps contract or substantive modification subject to these A-95 procedures or recommended approval only with specific or major changes, and if the recommendations are not accepted, the Standard Form 424 shall be accompanied by an explanation, in writing, of the reasons for the rejection of the recommendation.

(c) If a clearinghouse has recommended against approval of a project or program because it conflicts with or duplicates another Federal or federally assisted project, the regional or national office, as appropriate, shall consult with the Federal agency assisting the other project or program prior to approval.

(Catalog of Federal Domestic Assistance Nos. 17.232, Comprehensive Employment and Training Programs; 17.230, Farm Workers; 17.211, Job Corps)

Signed at Washington, D.C. this 8th day of November 1976.

WILLIAM H. KOLBERG,
Assistant Secretary for
Employment and Training.

[FR Doc.76-33452 Filed 11-11-76;8:45 am]

federal register

FRIDAY, NOVEMBER 12, 1976



PART III:

DEPARTMENT OF LABOR

**Employment Standards
Administration**



MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions

DEPARTMENT OF LABOR

Employment Standards Administration
MINIMUM WAGES FOR FEDERAL AND
FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions

General Wage Determination Decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed in construction activity of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24-70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates, (37 FR 21138) and of Secretary of Labor's Orders, 12-71 and 15-71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General Wage Determination Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR,

Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

MODIFICATIONS AND SUPERSEDEAS DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

Modifications and Supersedeas Decisions to General Wage Determination Decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the Modifications and Supersedeas Decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24-70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates, (37 FR 21138) and of Secretary of Labor's Orders 13-71 and 15-71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing General Wage Determination Decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and Supersedeas Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Office of Special Wage Standards, Division of Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rule-making procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Wage Determination Decision.

MODIFICATIONS TO GENERAL WAGE DETERMINATION DECISIONS

The numbers of the decisions being modified and their dates of publication

in the FEDERAL REGISTER are listed with each State.

Alaska:	
AK76-5095	Sept. 24, 1976.
Florida:	
FL76-1048	Apr. 16, 1976.
Georgia:	
GA76-1089	Aug. 27, 1976.
Idaho:	
ID76-5088	Sept. 24, 1976.
Indiana:	
IN76-2146	Oct. 29, 1976.
Nebraska:	
NE76-4167	Oct. 8, 1976.
NE76-4179	Oct. 22, 1976.
Nevada:	
NV76-5089	Sept. 24, 1976.
New York:	
NY76-3236	Aug. 27, 1976.
NY76-3240	Aug. 20, 1976.
NY76-3256; NY76-3257	Oct. 8, 1976.
NY76-3258; NY76-3259; NY76-3261; NY76-3262; NY76-3263; NY76-3267; NY76-3261; NY76-3262; NY76-3263; NY76-3267; NY76-3268; NY76-3269; NY76-3270.	Oct. 29, 1976.
Virginia:	
AP-404	Mar. 23, 1973.
AP-805	May 4, 1973.
AQ-2021	Oct. 5, 1973.
VA76-3095	Sept. 19, 1976.
VA76-3213; VA76-3214; VA76-3215.	July 30, 1976.
Texas:	
TX76-4140	Aug. 6, 1976.

SUPERSEDEAS DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

The numbers of the decisions being superseded and their dates of publication in the FEDERAL REGISTER are listed with each State.

Supersedeas Decision numbers are in parentheses following the numbers of the decision being superseded.

Illinois:	
IL76-2021 (IL76-2142)	Feb. 27, 1976.
IL76-2022 (IL76-2143)	Mar. 5, 1976.
Kansas:	
MO75-4102 (MO76-4177)	July 2, 1975.
Kentucky:	
KY75-1093 (KY76-1128)	Sept. 19, 1975.
Maryland:	
MD76-3216 (MD76-3275); MD76-3217 (MD76-3276); MD76-3218 (MD76-3272); MD76-3219 (MD76-3273); MD76-3227 (MD76-3274).	July 30, 1976.
Missouri:	
MO75-4102 (MO76-4177)	July 2, 1975.
New Mexico:	
NM76-4141 (NM76-4181)	Aug. 6, 1976.
NM76-4144 (NM76-4182)	Sept. 3, 1976.
New York:	
NY76-3260 (NY76-3281); NY76-3265 (NY76-3280).	Oct. 29, 1976.
Rhode Island:	
RI76-2038 (RI76-2151)	Mar. 19, 1976.
Texas:	
TX76-4085 (TX76-4183)	May 21, 1976.

Signed at Washington, D.C., this 5th day of November 1976.

RAY J. DOLAN,
Assistant Administrator,
Wage and Hour Division.

MODIFICATIONS P. 2

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
DECISION # GA76-1089 - Mod. # 4 (41 FR-36378 - August 27, 1976) Clayton, Fulton & DeKalb Counties, Georgia Change: Electricians					1/2 of 1%
DECISION #ID76-5088 - Mod. #4 (41 FR 42103 - September 24, 1976) Statewide Idaho Change: Painters: Bannock, Bear Lake, Bingham, Blaine, Bonneville, Butte, Camas, Caribou, Cassia, Clark, Custer, Franklin, Fremont, Gooding County (except the City of Bliss and western third of County), Jefferson, Jerome, Lemhi, Lincoln, Madison, Minidoka, Oneida, Power, Teton, Twin Falls Counties: Brush; Roller, Perforator Structural Steel; Swing Stage; Spray	8%	1% + 8%		.35 .10 .35 .10	.005 .005
DECISION NO. IN76-2146 - Mod. #1 (41 FR 47737 - October 29, 1976) Allen, Bartholomew, Benton, Dearborn, Delaware, Grant, Marion, Monroe, Tippecanoe, Vanderburgh, & Vigo Counties, Indiana Change: Electricians	.40	1% + .30			.2%

MODIFICATIONS P. 1

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
DECISION NO. AK76-5095 - Mod. # 4 (41 FR 42060 - September 24, 1976) Statewide, Alaska Change: Electricians: Electricians; Equipment Operators; Technicians Cable Splicers	.70 .70	1% + 2.00 1% + 2.00			.15 .15
Line Construction: Groundmen Equipment Operator; Linemen; Technicians Cable Splicers Soft Floor Layers: Area I	.70 .70 .70 1.90	1% + 2.00 1% + 2.00 1% + 2.00 1.60			.15 .15 .15 .05
Decision # FL76-1048 - Mod. # 6 (41 FR-16360 - April 16, 1976) Brevard & Volusia (Cape Kennedy, Kennedy Space Flight Center, Patrick AFB, & Malabar Radar Site ONEY) Counties, Florida. Change: Electricians: Base Zone (within 40 miles of union office 215 Ridgewood Ave., Daytona Beach) Electricians Cable splicers Zone 1 (beyond 40 miles from the union office): Electricians Cable splicers	8.74 8.99 .45 .45 .45 .45	1% + .48 1% + .48 1% + .48 1% + .48			1% 1% 1% 1%

DECISION # NE76-4167 - Mod. #2
(41 FR 44636 - October 8, 1976)
Lancaster County, Nebraska

CHANGE:

LINE CONSTRUCTION:

Linenmen
Cable Splicers
Truck Driver
Groundmen:
(Inexperienced) 1st 6 months
(Inexperienced) 2nd 6 months
Thereafter

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
\$9.51	.45	1%		1/2%
9.91	.45	1%		1/2%
6.87	.45	1%		1/2%
3.17	.45	1%		1/2%
4.67	.45	1%		1/2%
6.20	.45	1%		1/2%

DECISION NUMBER: NE76-4179 - Mod. #1
(41 FR 46337 - October 22, 1976)
Cass, Douglas, Searcy, Washington
and that portion of Saunders
County East of Highway #109 in
Nebraska

CHANGE:

IRONWORKERS: Reinforcing and
Structural
LINE CONSTRUCTION:
Linenmen
Cable Splicers
Truck Drivers
Equipment Operator

GROUNDMEN:
(Inexperienced) 1st 6 months
(Inexperienced) 2nd 6 months
Thereafter

POWER EQUIPMENT OPERATORS:

Group: 1
Group: 2
Group: 3
Group: 4
Group: 5
Group: 6
Group: 7
Group: 8

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
\$8.88	.50	.55	1.00	1/2%
9.51	.45	1%		1/2%
9.91	.45	1%		1/2%
6.87	.45	1%		1/2%
8.94	.45	1%		1/2%
3.17	.45	1%		1/2%
4.67	.45	1%		1/2%
6.20	.45	1%		1/2%
6.97	.50	.40		
7.03	.50	.40		
7.41	.50	.40		
7.63	.50	.40		
8.51	.50	.40		
8.73	.50	.40		
8.90	.50	.40		
9.07	.50	.40		

CLASSIFICATION DEFINITIONS

Group: 1 - Oilers; Greasers; Mechanic's Helper; Spread Oiler (less than one year experience)
Group: 2 - Oiler Driver
Group: 3 - Tractor under 35 HP; Air Compressors; Pumps-Welding Machine; Spray Machine; Form Trenchers; Belt Machine
Group: 4 - Concrete Mixer; Concrete Pumps; Hydro-Hammer
Group: 5 - Spread Oiler (after one year experience in classification)
Group: 6 - Concrete Spreader; Concrete Finishing Machine; Bulldozer; Roller; Tractor; Forklift; Winch Truck; One Drum Hoist; Oil Distributor; Asphalt Roller
Group: 7 - Blade (petrol); Scraper
Group: 8 - Hoist, 2 Drums; Trenching Machine; Paving Mixer; Piledriver; Heavy duty Mechanic; Welder; Shovel; Dragline; Clinker; Orange Peel; Backhoe; Derrick, Crane; Locomotive; Fireman on Boiler; Laydown Machine; Two Drum Winch Truck; Side Boom Get; Pug Mill Operator on Asphalt Plant; Leverman on Dredge; Engineer on Dredge; Tugboat Operator; Gravel Operator; Rotary Well

POWER EQUIPMENT OPERATORS' CLASSIFICATIONS (CONT'D)

Drilling Operator; Hydrocrane; Cleveland type Backfiller; Self-Propelled Spreader Vibrator; Slip Form Paver

TRUCK DRIVERS:	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
Group: 1 - Single Axle, Tack and Spreader Truck	\$6.93	.50	.40			
Group: 2 - Tandem Axle Trucks, Euclid Trucks, Power Lift Form Trucks and Spreader Trucks	6.99	.50	.40			
Group: 3 - Three-Axle Tandem	7.04	.50	.40			
Group: 4 - Lowboys-Tractor Trailer, Water Pulls	7.12	.50	.40			
Group: 5 - Tandem Dump with Auxiliary End Dump Trailer	7.17	.50	.40			
Group: 6 - Lumber Carrier	7.29	.50	.40			
LABORERS: Rakers and Screedmen on Asphalt work; Mortar Mixers; Chain Saw Operator	6.38	.35	.30	.15		.05

MODIFICATIONS P. 6

DECISION #NV76-5089 - Mod. #4
(41 FR 42116 - September 24, 1976)
Washoe County, Nevada

Change:

Bricklayers; Stonemasons:
Zone 1: 0-35 miles from Court house in Reno, Nevada
Zone 2: 35-75 miles from Courthouse in Reno, Nevada
Zone 3: 75 miles and over from Courthouse in Reno, Nevada
Terrazzo Workers, Tile Setters:
Zone 1: 0-35 miles from Court house in Reno, Nevada
Zone 2: 35-75 miles from Courthouse in Reno, Nevada
Zone 3: 75 miles and over from Courthouse in Reno, Nevada

	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
Zone 1: 0-35 miles from Court house in Reno, Nevada	\$11.00	.50	.60			.01
Zone 2: 35-75 miles from Courthouse in Reno, Nevada	11.90	.50	.60			.01
Zone 3: 75 miles and over from Courthouse in Reno, Nevada	11.00	.50	.60			.01
Zone 1: 0-35 miles from Court house in Reno, Nevada	11.00	.50	.60			.01
Zone 2: 35-75 miles from Courthouse in Reno, Nevada	11.90	.50	.60			.01
Zone 3: 75 miles and over from Courthouse in Reno, Nevada	11.00	.50	.60			.01
Decision No. NV76-3236-Mod. #1 (41 FR 36387-August 27, 1976) Erie County, New York						
Change: Electricians Marble, Tile, and Terrazzo Workers helpers	\$12.49 8.91	.65 1.50	1.90 .40	8		.05

NOTICES

Decision No. NY76-3240-Mod. #2 (41 FR 35439-August 20, 1976) Broome County, New York	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
Change: Cement Masons, heavy highway Electricians Plumbers and Steamfitters	\$ 9.19 9.55 9.58	.56 .70 .42	.45 1.44+.37 .45			.05 .21
Add: Footnote "g" to read Paid Holidays Independence Day and Labor Day.						
Decision No. NY76-3256-Mod. #1 (41 FR 14645-October 8, 1976) Bronx, Kings, Queens, Richmond and New York, Counties, New York						
Change: Laborers: Cement Concrete Workers Laborers: Demolition Barren Barren helpers Roofers: Composition, Damp and Waterproofers	\$7.70 9.53 9.23 9.35	.8025 7% 7% 1.09	1.3525 9% 9% 2.45	1.20		
Footnote i to read Paid Holidays New Years Eve and Christmas Eve, provided the employee works a full half day preceding the holiday.				.65		
Decision No. NY76-3257-Mod. #1 (41 FR 14649-October 8, 1976) Bronx, Kings, Queens, New York, and Richmond Counties, New York						
Change: Laborers: Cement Concrete Workers Lathers, Metallic Roofers: Composition, Damp, and Waterproofers Tie Setters helpers Footnote "i" to read Paid Holidays New Years Eve and Christmas Eve, provided the employee works a full half day preceding the holiday.	\$7.70 10.10 9.35 7.90	.8025 .785 1.09 .50	1.3525 1.765 2.45 1.27	1.20 .75+n .65		.04

Decision No. NY76-3258-Mod. #1 (41 FR 47835-October 29, 1976) Onondaga County, New York	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
Change: Carpenters and Piledrivermen, heavy and highway	\$ 8.67	.65	1.00	8		.025
Add: Footnote "g" to read Paid Holidays Labor Day and Independence Day.						
Decision No. NY76-3259-Mod. #1 (41 FR 47840-October 29, 1976) Chautauqua County, New York						
Change: Bricklayers, cement masons, plasterers, stone masons, marble, terrazzo workers, and tile setters	\$9.85	.50	.80			
Carpenters and soft floor layers, building	8.97	.50	.95	a		.05
Carpenters, heavy and highway	8.87	.50	.95	d		.025
Millwrights and Piledrivermen	9.22	.50	.95			.05
Sheet Metal Workers	9.75	3%+.50	.50			.02
Footnote "a": to read Paid Holidays Labor Day and Independence Day.						
Omit: Footnote h.						
Decision No. NY76-3261-Mod. #1 (41 FR 47850-October 29, 1976) Niagara County, New York						
Change: Electricians Cable Splicers	\$ 11.73 12.23	.50 .50	1.4+.90 1.4+.90			1% 1%

Decision No. NY76-3267-Mod. #1 (41 FR 47884-October 29, 1976) Wayne County, New York	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
Change:						
Bricklayers: Tps. of Ontario, Williamson, Sodus (including Sodus Point, Walworth, Marion, Macedon, and Palmyra: Marble setters, Tile Setters, and Terrazzo Workers	\$11.86					
Cement Masons, Heavy and Highway: Remainder of County	8.58	.75	.99	h		.025
Piledrivermen, heavy and highway	8.58	.75	.99	h		.025
Sheet Metal Workers	11.09	.70	1.00			
ADD: Footnote "h" to read Paid Holidays Labor Day and Independence Day.						
Decision No. NY76-3268-Mod. #1 (41 FR 47890-October 29, 1976) Steuben County, New York						
Change: Tps. of Troupsburg, Hartsville, Fremont, Wayland, Jasper, Hornell, City of Hornell, Avoca, Cohocton, Canisteo, Lansville, Howard, Greenwood, West Union: Carpenters, Heavy and Highway Remainder of County: Carpenters and Piledriverman, Heavy and Highway Plumbers and Steamfitters: Remainder of County	\$8.87 8.92 10.00	.50 .40 .60	.95 .95 .85	g g		.025 .025 .10
Footnote "g" to read Paid Holidays Labor Day and Independence Day.						

Decision No. NY76-3268-Mod. #1 (41 FR 47854-October 29, 1976) Monroe County, New York	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
Change: Carpenters, heavy and highway Cement Masons, heavy highway Millwrights and Piledriverman, heavy and highway	\$8.58 8.89 8.58	.75 .55 .75	.99 .75 .99	g g		.025 .025
ADD: Footnote "g" to read Paid Holidays Labor Day and Independence Day.						
Decision No. NY76-3269-Mod. #1 (41 FR 47860-October 29, 1976) Chemung County, New York						
Change: Carpenters, Building: Tps. of Southport, Catlin, and Big Flats Carpenters Millwrights and Piledrivermen Carpenters, Heavy and Highway: Tps. of Southport, Catlin, and Big Flats Remainder of County Plumbers and Steamfitters Roofers	\$8.81 9.06 8.97 9.45 10.05 9.39	.40 .40 .40 .35 .60 .44	.95 .95 .95 .50 .80 1.00	a a		.02 .02 .025 .045 .10
Footnote "a" to read Paid Holidays Labor Day and Independence Day.						

NOTICES

Decision No. NY76-3269-Mod. #1 (41 FR 47996-October 29, 1976) Jefferson County, New York	Basic Hourly Rates	Fringe Benefits Payments			Education end/or Appr. Tr.
		H & W	Pensions	Vacation	
Change: Electricians Cable Splicers	\$ 10.13 10.38	.60 .60	1 1/2+.60 1 1/2+.60		.8 of 1 1/2 .8 of 1 1/2
Painters: Brush and Roller Swing stage and bosun chair Sandblasting, Window Jacks	7.90 8.25 8.25	.25 .25 .25	.45 .45 .45		
Decision No. NY76-3270-Mod. #1 (41 FR 47901-October 29, 1976) Oneida County, New York					
Change: Carpenters, heavy and highway	\$9.515	.40	.40	f	.025
Footnote "f" to read Labor Day and Independence Day paid holidays, provided employee is on the payroll the week before and the week after the holiday.					

DECISION #AP-494 - Mod. #2 (38 FR 7693 - March 23, 1973) The Independent Cities of Chesapeake, Hampton, Newport News, Norfolk, Portsmouth & Virginia Beach, Virginia	Basic Hourly Rates	Fringe Benefits Payments			Education end/or Appr. Tr.
		H & W	Pensions	Vacation	
Change: Truck Drivers: Multi-rear axle Single-rear axle	\$ 2.30 2.30				
DECISION #AP-805 - Mod. #3 (38 FR 11279 - May 4, 1973) The Counties of Accomack, Greensville, Isle of Wight, James City, Nansemond, Northampton, Southampton, Surry, Sussex, and York. The Independent Cities of Emporia, Franklin, Suffolk, and Williamsburg, Virginia					
Change: Truck drivers, single rear axle	2.30				
DECISION #AQ-2021 - Mod. #1 (38 FR 27744 - October 5, 1973) The Counties of Bedford, Botetourt, Carroll, Craig, Floyd, Franklin, Giles, Henry, Montgomery, Patrick, Pulaski, and Roanoke. The Independent Cities of Bedford, Galax, Martinsville, Radford, Roanoke, and Salem, Virginia					
Change: Carpenter, structure helper Laborers, unskilled	2.30 2.30				

DECISION #VA75-3095 - Mod. #2
(40 FR 43416 - September 19, 1975)
Campbell County and the Independent City of Lynchburg, Virginia

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appt. Tr.
	H & W	Pensions	Vacation		
Painters:					
Brush, paperhangers, tapers & finishers	\$ 7.30				
Structural steel, swing, stage & boson chair	7.55				
Scaffold or other hazardous work above 50 ft. & tanks	7.55				
Spray	7.80				
Sandblasting, elevated tanks, smoke stacks & towers	7.95				
Commercial repaint work	7.20				
Epoxy work - shall be paid an additional 25¢ above the applicable classification					
Piledriversmen & Dock Builders	7.60	.30	.30		.05
Plasterers	9.20				.05
Plumbers & Steamfitters	10.00	.40	.30		.05
Power Equipment Operators:					.05
Group 1	9.15	.325	.30		.05
Group 2	7.34	.325	.30		.05
Group 3	6.06	.325	.30		.05
Group 4	5.88	.325	.30		.05
Group 5	5.71	.325	.30		.05

NOTICES

[illegible]

NOTICES

50125

DECISION #VA76-3215 (cont'd)

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
\$ 5.15	.10	.15			.05
5.25	.10	.15			.05
5.40	.10	.15			.05
5.50	.10	.15			.05
5.55	.10	.15			.05
5.65	.10	.15			.05
5.90	.10	.15			.05
9.45	.30	.30			.01
Laborers: Unskilled Tenders, motorized Georgia buggy operators, nozzlemen (gunite or sandblasting), concrete saw operators, air tool & vibrator operators. Mortar mixers, hod carriers, pipelayers, caulkers & marble, tile & terrazzo workers, helpers Burners (wrecking) Floor, base & terrazzo grinders Wagon drill & air tract & similar drills Powderman Millwrights Painters: (York Co., from a point on the north shore of Queens Creek at the intersection of York River due west to a point on the eastern shore of James River includ- ing all cities therein; the Cities of Hampton and New- port News): Brush & Roller Paperhanger, taper, spray, roller (handle 6' or over), structural steel (to 74' from the ground up), swing stage & bosun chair (from ground up), sand- blasting All work over 74' from ground Bituminous coatings, hot creosote Sign					
7.30					
7.65					
7.80					
8.70					
7.95					

DECISION #VA76-3215 (cont'd)

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
\$ 7.90					
8.25					
8.40					
9.30					
8.55					
7.60	.30	.30			
9.76					.02
9.15	.45	.40			.005
8.90	.45	.45			.005
9.15	.45	.45			
9.15	.325	.30			.05
7.34	.325	.30			.05
6.06	.325	.30			.05
5.88	.325	.30			.05
5.71	.325	.30			.05
(The remainder of York County Brush & Roller Paperhanger, taper, spray, roller (handle 6' or over), structural steel (to 74' from ground up), swing stage & bosun chair (from ground up), sandblasting All work over 74' from ground Bituminous coatings, hot creosote Sign Piledrivermen & Dock Builders Plasterers Plumbers & Steamfitters Sheet Metal Workers: Newport News & Hampton York County Power Equipment Operators: Building Construction: Group 1 Group 2 Group 3 Group 4 Group 5					
DECISION #TX76-4160 - Mod. #3 (41 FR 33184 - August 6, 1976) Bexar County, Texas Change: Electricians: Electricians Cable splicers					
\$ 9.84	.30	3%			1%
10.09	.30	3%			1%

SUPERSEDES DECISION

STATE: Illinois

COUNTIES: Bureau, Carroll, Henry,
Lee, JoDavess, Ogle, Rock Island,
Stephenson, Whiteside and Winnebago

DATE: DATE of Publication

DECISION NUMBER: IL76-2142
Supercedes Decision No. IL76-2021 dated February 27, 1976, in 41 FR 8661

DESCRIPTION OF WORK: Heavy and Highway Construction

DECISION NUMBER: IL76-2142

DATE: DATE OF Publication

Supersdes Decision No. IL76-2021 dated February 27, 1976, in 41 FR 8661

DESCRIPTION OF WORK: Heavy and Highway Construction

DECISION NO. IL76-2142

Page 2

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vocation	Education and/or Appr. Tr.
CARPENTERS and PILEDRIVERS:					
Bureau County	\$ 10.43	.55	.35		.03
Carroll, Stephenson and JoDaviess Counties	9.685	.30	.35		
Lee County	9.885	.45			
Whiteside County	9.635	.35			
Rock Island and Henry Counties; Oregon and south thereof in Ogle County	9.485	.35	.50		
Winnebago County; North of Oregon in Ogle County	9.635	.25	.45		
CEMENT MASONS:					
Bureau County	10.50		.70		
Carroll, JoDaviess, Lee, Ogle and Stephenson Counties; Whiteside County excluding Erie and S.W. thereof	9.80	.40	.50		
Rock Island County; Western half of Henry County and Erie and S.W. thereof in Whiteside County	9.42	.50	.60		
Eastern half of Henry County	10.49	.20			
Winnebago County	7.25	.25	.45		
ELECTRICIANS:					
Winnebago, Ogle, Lee and Stephenson Counties; Townships of Warren, Rush, Nora, Stockton, Wards Grove, Pleasant Valley and Berrenman in JoDaviess County; Townships of Cherry Grove, Shannon, Rock Creek, Lima, Wysox and Elkhorn Grove in Carroll County, Townships of Genesee, Jordan, Hopkins, Sterling, Whiteside County; Townships of Hune, Montgomery, Tampico and Hahnman	10.95	.40	1%-.40		1 1/2%
Remainder of JoDaviess County	9.97	.30	1%-.25		1%

ILL-50-LAB-1-2-3

DECISION NO IL76-2142

LABORERS: BUREAU COUNTY

UNSKILLED
SEMI-SKILLED
SKILLED

	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
LINEMEN: (Cont'd) Bureau County: (Cont'd) Groundman Class "A"	\$ 6.71	.35	1%			.5%
Carroll, Henry, JoDaviess, Lee, Ogle, Rock Island, Stephenson, Whiteside and Winnebago Counties	11.00	.45	1%			.50%
Linemen - Digger Operator - Crane Operator (15 ton or over)	9.36	.45	1%			.50%
Equipment Operator	7.45	.45	1%			.50%
Truck Drivers	7.20	.45	1%			.50%
Groundman						
PAINTERS: Winnebago and Stephenson Counties:	9.35	.40				
Brush and Roller	9.60	.40				
Open Structural	9.90	.40				
Spray						
Rock Island, Bureau, JoDaviess and Henry Counties:	8.97	.45	.65			.12
Brush and Roller	9.22	.45	.65			.12
Structural Steel and Spray	9.97	.45	.65			
Bridges						
Lee, Carroll, Ogle and Whiteside Counties:	6.95					
Brush	7.30					
Structural Steel and Spray						
TRUCK DRIVERS: Stephenson and Winnebago Counties; JoDaviess County (W. of Rt. #28) and Carroll County, (S. of Rt. #72 and W. of Rt. #78):	8.25	.30	.50			
2-3 Axle Trucks	8.40	.30	.50			
4 Axle Trucks	8.60	.30	.50			
5 Axle Trucks	8.80	.30	.50			
6 Axle Trucks						
Lee County; Ogle County, (east of Rt. #51)	8.30	a20.00	a24.00			
2-3 Axle Trucks	8.45	a20.00	a24.00			
4 Axle Trucks	8.65	a20.00	a24.00			
5 Axle Trucks	8.85	a20.00	a24.00			
6 Axle Trucks						

FOOTNOTE:

a. Per week per employee

	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
UNSKILLED	\$ 8.60	.40	.42			.035
SEMI-SKILLED	8.80	.40	.42			.035
SKILLED	9.00	.40	.42			.035

LABORERS:

UNSKILLED: Common Laborer; Carpenter tenders; tool cribmen; firemen or salamander tenders; flagmen, gravel box men; dumpmen & spotters; form handlers; material handlers; fencing laborers; cleaning lumber; pit men; material checkers; dispatchers; landscapers; unloading explosives; laying of sod; planting of trees; asphalt plant laborers; wrecking laborers; writer of scale tickets; fire shop laborers; fireproofing laborers; janitors; wrecking-dismantling buildings; wallmen & housemovers; driving of stakes; stringlines for all machinery

SEMI-SKILLED: Handling of materials treated with oil, creosote, asphalt or any other foreign material, track laborers; cement handlers; chloride handlers; the unloading and laborers w/steel workers & rebar; concrete workers (wet); tunnel helpers in free air; batch dumpers; mason & plasterer tenders & material wheelers; kettlemen & tar-men; tank cleaners; plastic installers; scaffold workers; motorized buggies or motorized unite used for wet concrete or handling of building materials; laborers w/dewatering systems; all sewer workers plus depth; rod & chainmen with land surveyors; vibrator operators; mortar mixer operator; cement silica, clay, fly ash, lime & plasterers; handlers (bulk or bag); cofferdam workers plus depth; (on concrete paving) placing, cutting & trying or reinforcing; deck hand; dredge hand & shore laborers; bankmen on floating plant; asphalt workers w/ machine; asphalt raker; grade checker

SKILLED: Dynamite man or blasters; caisson workers plus depth; gunnite nozzle men; leadman on sewer work; welders; cutters; burners; torchmen; Chain saw operator; jackhammer & drill operators; layout man; steel form setters (street & highway); air tamping hammerman; signal man on crane, concrete saw operator; screenman on asphalt pavers; laborers tending masons w/hot materials are used; multiple concrete duct-leadmen; lutenen; curb asphalt machine operator; ready-mex scalemen; portable or temporary plant; laborers handling masterplate or similar materials; laser beam operator; coring machine operator

ILL-81-LAB-1-2-3

ILL-101-LAB-1-2-3

DECISION NO. IL76-2142

LABORERS: ROCK ISLAND COUNTY

LABORERS:

UNSKILLED
SEMI-SKILLED
SKILLED

REMAINDER OF COUNTIES

CLASS I
CLASS II
CLASS III

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
	H & W	Pensions	Vacation	
\$ 8.42	.40	.60		.035
8.67	.40	.60		.035
8.92	.40	.60		.035

LABORERS:

UNSKILLED Common Laborer; Carpenter Tender; Rod & Chain Man; Flagman; Gravel Box Men; Dumpmen & Spotters; Form Handlers; Material Handlers; Fencing Laborers; Cleaning Lumber; Material Checkers; Dispatchers; Landscapers; Unloading Explosives; Laying of Sod; Planting of Trees, Removal of Trees, Asphalt Plant Laborers; Writers of Scale Ticket, Scaleman (Permanent-Portable or Temporary Plant); Deck Hand

SEMI-SKILLED Laying & Jointing of Telephone Conduit; Darco & Jackhammer Operator; Operator on Power Tools used under the jurisdiction of Laborers; Cement Jumper; Puddler; Form setter Helper; Power & Hand Saw (when clearing timber); Center Strip; Reinforcing in Concrete; Wire Mesh; Concrete Saw; Mortar Mixer; Prime Mover or any mechanical device taking the place of concrete buggy or wheelbarrow; Sand Point Setter; Asphalt Kettleman; Mastic Asphalt Mixerman or other preparations used on joints; Sheet hammer Drivers (2-Men) Backup Man or Joint Man with Pilelayer; Laborer in ditch or tunnel on sewer and water main & telephone conduit Gas Distribution Men; Pipe Setter on Laterals, Drain Tiles, Culvert Pipe, & Storm Sewer Connections to Catch Basins, Manholes or Main Line; Handling of Materials treated with oil, creosote, asphalt and/or any foreign material harmful to skin or clothing Chloride Handlers; the Unloading & Laborers w/steel Workers and Re-Bars; Tunnel Helpers in Free Air; Batch Dumpers; Tank Cleaners; Cofferdam Workers; Bankmen on Floating Plant

SKILLED String or Wireline (1 man); Head Form Setter; Dynamite Man; Asphalt Raker; Tunnel Miner; Pilelayer on Sewer & Water Main; Gunitite Nozzle Man; Welders; Cutters; Burners and Torchmen; Screedman on Asphalt Pavers; Luteaman; Curb Asphalt Machine Operator; Laser Beam Operator; Concrete Burning Machine Operator; Coring Machine Operator; Head Grade Man

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
	H & W	Pensions	Vacation	
\$ 8.05	.35	.35		.035
8.25	.35	.35		.035
8.35	.35	.35		.035

LABORERS:

CLASS I Common Laborers, Carpenter Tenders, Tool Cribmen, Fireman or Salamander Tenders, Flagmen, Gravel Box Men, Dumpmen & Spotters, Form Handlers, Material Handlers, Fencing Laborers, Cleaning Lumber, Fit men, Material Checkers, Dispatchers, Landscapers, Unloading Explosives, Laying of Sod, Planting of Trees, Removal of Trees, Asphalt Plant Laborers, Wrecking Laborers, Writer of Scale Tickets, Fire Shop Laborers, Fireproofing Laborers, Janitors, Driving of Stakes, Stringlines for all machinery, Rod & Chainmen with Technical Engineers, with Land Surveyors, Asphalt Workers with Machine & Layers, Grade Checker, Singal Man on Crane, Coring Machine Operator, Concrete Workers (Wet), On Concrete Paving, Placing, Cutting and Tying or Reinforcing Steel Form Setters-Street & Highway

CLASS II Scaffold Workers, Handling of materials treated with any foreign matter harmful to skin or clothing, Bulk Cement Handlers, Unloading of Re-bars, Tunnel Helpers in Free Air, Batch Dumpers, Mason Tenders, Kettle and Tar Men, Tank Cleaners, Plastic Installers, Motorized Buggies or Motorized Unit used for wet concrete or handling of Building Materials, Vibrator Operators, Mortar Mixer Operators, Cement Silica, Clay Fly Ash, Line & Plasters, Handlers (Bulk or Bag) Deck Hand, Dredge Hand & Shore Laborers, Bankmen on Floating Plant, Power Tools, Material Selector (Firebrick or Castable Material) Chain saw Operators, Air Tamping Hammerman, Concrete Saw Operator, Front End Man on Chip Spreader, Luteaman, Asphalt Raker

CLASS III Jackhammer and Drill Operators, Laborers with De-Watering Systems, Bottom Sewer Workers Plus Depth, Cofferdam Workers plus depth, Gaisson Workers plus depth, Gunitite Nozzle Men, Leadman on Sewer Work, Welders, Cutters, Burners and Torchmen, Layout Man and/or Tile Layer, Sreenman on Asphalt Pavers, Laborers Tending Masons with Hot Material, Multiple Concrete Duct-Leadman, Curb Asphalt Machine Operator, Ready-Mix Scalemen, Permanent, Portable or Temporary Plant, Laser Beam Operator, Concrete Burning Machine Operator, Underpinning and Shoring of Building, Pump Men

DECISION NO IL76-2142

POWER EQUIPMENT OPERATORS: (CONT'D)

CLASS 3 - Asphalt booster, fireman and pump operator at asphalt plant, compressor (500 cu. ft. and over), concrete finishing machine, form grader with roller on earth, mixers (3 bag to 16E), power operated bull float, tractor without power attachment, Dope pot (agitator motor), Dope chop machine, distributor (back end), Flexplane or similar machines, portable machine fireman, Hydrohammer, power winch on paving work, self-propelled roller or compactor (other than provided for above), pump operator crusher operator, trench machine (10 H. P. and under), power sub grader (on forms), or similar machines, Forklift (6000 or less cap.) Gypsum pump, conveyor over 20 H. P.

CLASS 4 - Air compressor (275 c.f.m. or over) driver on truck crane or similar machines, light plant, mixers (1 or 2 bags), power batching machine (cement auger or conveyor), boiler (engineer or fireman, water pumps, welding machine, mechanical broom, automatic cement and gravel batch plants (two or three stop set-up), small backhoes or endloaders or self-propelled curing machine

CLASS 5 - Oiler, mechanic's helper, water pump (pumping water to paver), mechanical heater (other than steam boiler) belt machine, small putboard motor boat

ILL-15-PEO-1-2-3

DECISION NO IL76-2142

POWER EQUIPMENT OPERATORS:

ROCK ISLAND CO., & THE WESTERN
OF HENRY COUNTY

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
CLASS 1	\$ 9.45	.40	.50		.08
CLASS 2	9.45	.40	.50		.08
CLASS 3	8.05	.40	.50		.08
CLASS 4	8.05	.40	.50		.08
CLASS 5	7.00	.40	.50		.08

CLASS 1 - Crane, shovel, clamshell, dragline, backhoe, derrick, tower crane, cableway, concrete spreader (servicing two pavers), asphalt spreader, asphalt mixer plant engineer, dipper operator, dipper dredge crane-man, dual purpose truck (boom or winch), leverman or engineer (hydraulic dredge), mechanic, paving mixer with tower attached (two operators required), pile driver, boom tractor, stationary, portable or floating mixing plant, trenching machine, cleaning and priming machine, endloader (one half cubic yard or over, on basement excavation work), backfiller (throw bucket), locomotive engineer, Qualified welder, tow or push boat concrete paver, seaman Trav-L-Plant or similar machines, CMI autograder or similar machine, slip form paver, caisson augering machine, mucking, asphalt heater-planer unit hydraulic cranes, Mine hoists

CLASS 2 - Athey, Barber-Green, euclid or basis loader, asphalt pug mill, fireman and drier, concrete pump, concrete spreader (servicing one paver), bulldozer, endloader (other than mentioned above), forklift, elevating grader, group equipment greaser, letourneapull and similar machine, DW-10, straddle carrier, hystor winch and similar machines, motor patrol, power blade push cat, tractor pulling elevating grader or power blade, tractor operating scoop or scraper, tractor with power attachment, roller on asphalt or blacktop, single drum hoist, Jaeger mix and place machine, pipe bending machine, welding machines (3or4), fuller kenyon cement pump or similar machines, automatic cement and gravel batch plants (one stop set-up), Seaman pulvi-mixer or similar machines, propelled sheep foot roller or compactor (used in conjunction with a grading spread), asphalt spreader screed operator apcco spreader or similar machine, slusher, forklift (over 6,000 lb. cap. or working at heights above 28 ft.) conveyors

DECISION NO. IL76-2142

POWER EQUIPMENT OPERATORS: (CONT'D)

ILL-20-PEO-2-3

DECISION NO. IL76-2142

POWER EQUIPMENT OPERATORS:

EASTERN 1/2 OF HENRY COUNTY &
REMAINDER OF BUREAU COUNTY

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vocation	
GROUP 1	\$10.55	.45	.55		.05
GROUP 2	10.35	.45	.55		.05
GROUP 3	9.87	.45	.55		.05
GROUP 4	9.60	.45	.55		.05
GROUP 5	8.49	.45	.55		.05

POWER EQUIPMENT OPERATORS:

Group 1: Crane, hydro crane, shovels, crane type backfiller, tower cranes - mobile and crawler and stationary derricks and hoist (3-drum); Dragline, Dragline, Drott Yumbo and similar types considered as cranes, backhoe, derrick boats, pile driver and skid rigs, clam shells, locomotive cranes, road pavers - single drum, dual drum and tri batcher, motor patrols and power blades - Dumore, elevating similar types, mechanics central concrete mixing plant operator, blacktop plant operators and plant engineers, grad-all, caisson rigs - requires oiler, skimmerscoopkerhing scooper, dredges (all types) hop-toe-crane-type (require oiler), Escalated rate on crane and derricks booms, \$.01 per hour, per ft., over 80' including jib all cherry pickers, cherry pickers (over 15 tons require oiler), work boat, Ross carrier, helicopter, dozen and tournadozer

Group 2: Asphalt heater and planter combination (used to plant streets), trench machines, pump crete - belt crete - squeeze crete - screw type pumps and gysum, bulker and pump, dinkeys, tournapulls-all, and similar types, multiple unit earth movers, \$.25 per hour for each scoop over one scoops (all sizes), pushcats, endloaders (all types), side booms, P-H one-pass soil cement machines and similar types, wheel tractors (industrial or farm-type with dozer hoe - end loader or other attachments, backfillers, asphalt surfacing machines euclid loader, fork lifts, formless finishings, jeep w/ditching machine or other attachments, tunneluger, rock crusher, automatic cement and gravel batching mobile drills (soil testing) and similar types, pugmill with pump, flaherty spreader or similar types (require oiler), heavy equipment greaser (top greaser on spread), power launches, boring machine, C.M.I. and similar types (require oiler), all (1) and (2) drum hoists, dewatering system, straw blower, hydro-seeder, boring machine, hydro-boom, starting engineer on pipeline, F.W.D. and similar types

Group 3: Apsco spreader or similar types, tractors (track-type) without power units pulling rollers, rollers on asphalt - breck or macadam, concrete breakers, concrete spreaders, center stripper, cement finishing machines, vibro tampers (all similar types) self-propelled, mechanical bull floats, mixers over three bag to 27E, winch and boom trucks, tractor pulling power blade or elevating grader, Porter Rex rail, Clary screed, mule pulling rollers, pugmill without pump, Barber Greene or similar loaders, track-type tractors with power unit attached (minimum fireman, screed man on laydown machine, and spray machine on paving

Group 4: Power subgrader, oil distributor, straight tractor, track-air (without attachments), curb machines, paver ditch machines, truck crane oiler, and truck type hop toe oilers

Group 5: Herman Nelson Heater, Dravo, Warner, Silent glo and similar types, one engineer will operate 1-5 and after 5, two operators will be required, self-propelled concrete saws, assistant heavy equipment greaser crawler crane and skid oilers, rollers 5 ton and under on earth and gravel, form graders, pump (1) or (2), light plant (1) or (2), generator (1) or (2), conveyor (1) or (2), welding machine (1) or (2) mixer 3 bags and under, and bulk cement plant

POWER EQUIPMENT OPERATORS (CONT'D)

IL-10-PEO-2-3

Basic Hourly Rates	Fringe Benefits Payments			Asp. Tr.
	H & W	Pensions	Vacation	
\$10.90	.75	.85	.40	.05
10.35	.75	.85	.40	.05
9.60	.75	.85	.40	.05
8.50	.75	.85	.40	.05
7.50	.75	.85	.40	.05

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POWER EQUIPMENT OPERATORS:
REMAINDER OF COUNTIES

CLASS I
CLASS II
CLASS III
CLASS IV
CLASS V

CLASS III Boilers; boiler & throttle valve, brooms, all power propelled, cement supply tender, compressor & throttle valve, concrete mixer (2 bags & over) conveyor, portable, fireman on boiler, forklift trucks, greaser engineer, grouting machine hoists, automatic, hoists, all elevators, hoists, tugger, single drum, jeep diggers, pipe power saw, concrete, power-driven, pug mills, rollers, all, steam generators, stone crushers, stump machine, winch trucks with "A" frame, work boats, tamper, form motor driven

CLASS IV Air Compressors, all, generators, heaters, mechanical, light plants, all (1 through 5), pumps, all, pumps well points, tractaire, welding machines (2 through 6)

CLASS V Oilers

POWER EQUIPMENT OPERATORS:

CLASS I Asphalt plant, asphalt heater & planer combination, asphalt spreader, autoclave, belt loader, calsson rigs, central redmix plant, concrete breaker (truck mounted), concrete conveyor, concrete paver over 275 cu. ft., concrete placer, concrete tube float, cranes, all attachments, cranes, linden, Peco & machines of a like nature, derricks, traveling, dredges, euclid loader, elevating type, gradall, & machines of a like nature, derricks, all, derrick boats, derricks, travelling, dredges, euclid loader, elevating type, gradall, and machines of a like nature, grader, elevating hoists, 1, 2 & 3 drum, locomotives, all, mucking machine, 1 cu. yd. & over, mucking machine, under 1 cu. yd., piledrivers & skid rig, pre-stress machine, pump cures dual ram (requiring frequent lubrication & water), rock drill crane type, slip form paver, straddle buggies, tractor w/boom, tractaire w/ attachments, trenching machine, underground boring &/or mining machine under 5 ft., wheel excavator wider (Apsco)

CLASS II Mechanic-welder, batch plant, bituminous mixer, bulldozer, combination backhoe front endloader machine, concrete breaker or hydro-hammer, concrete grinding machine, concrete mixer or paver 75 Series to & including 27 cu. ft., concrete spreader, concrete curing machine, burliap machine, belting machine & sealing machine, finishing machine, concrete grader, motor patrol auto patrol, form grader, pull grader, subgrader, highlift shovels or front endloader, hydraulic boom trucks (all attachments), locomotives, dinky, pump cures; Squeeze cures; screw type pumps Gypsum bulker & pump, rock drill (self-propelled), roto-tiller, seaman, etc. self-propelled scoops; tractor drawn, self-propelled compactor, spreader, chipstone, etc., scraper, tank car heater, tractor, push, pulling sheeps foot, disc., compactor, etc. tug boats

DECISION NO. IL76-2142

ILL-82-TD-1-2-3

TRUCK DRIVERS
REMAINDER OF COUNTIESGROUP I
GROUP II
GROUP III

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
\$ 9.60	.55	a14.00		
10.00	.55	a14.00		
10.20	.55	a14.00		

TRUCK DRIVERS

GROUP I: - Drivers on 2 axle trucks hauling less than 9 tons, air compressor and welding machine including those pulled by separate units, truck driver helpers, warehouseman, mechanic helpers, greasers & tiremen, pick-up trucks when hauling materials, tools, or men to and from and on the jobs site; Fork lifts up to 6,000 lbs., capacity.

GROUP II: - 2 or 3 axle trucks hauling more than 9 ton, but hauling less than 16 tons; A-frame winch trucks, hydro lifts trucks, or similar equipment when used for transportation purposes; Fork lifts over 6,000 lb. capacity; winch trucks; 4-axle combination units; ticket writers

GROUP III: - 2, 3 or 4 axle trucks hauling 16 ton or more, drivers on oil distributors, water pulls, mechanics & wreking foreman; 5-axle or more combination units; dispatchers

FOOTNOTES

a. Per week Per Employee

SUPERSEDES DECISION

STATE: Illinois

COUNTIES: Ford, Grundy, Iroquois, Kankakee, LaSalle, Livingston, McLean, Marshall, Putnam and Woodford

DECISION NUMBER: IL76-2143

Supersedes Decision No. IL76-2022 dated March 5, 1976, in 41 FR 9759

DESCRIPTION OF WORK: Heavy and Highway Construction

DATE: Date of Publication

ILL-III-3

DESCRIPTION OF WORK: Heavy and Highway Construction

III-III-3

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
CARPENTERS: Iroquois and Kankakee Counties; (N. of Garver and Guthrie) in Ford County	\$10.50	.50	.70		.01
Remainder of Ford County	10.315	.35	.80		.08
Woodford County	10.21	.40	.40		.05
Marshall and Putnam Counties; (Peru, Ottawa and Streator and Vicinities in La Salle County)	10.43	.55	.50		.03
Grundy County; Marseilles and Vicinity in LaSalle County	11.31	.55	.53		.04
McLean County	10.21	.40	.40		.05
Livingston County	10.10	.40	.40		.05
CEMENT MASONS: LaSalle and Putnam Counties	10.50		.70		
Livingston and McLean Counties; E. of Roanoke in Woodford Co.	10.63	.40			
Marshall County, and remainder of Woodford County	9.90	.60	.60		.05
Iroquois and Kankakee Counties	10.00	.80	.75		.025
Ford County	10.375	.35			.05
Grundy County	10.22	.50	1.00		
ELECTRICIANS: Townships of Fountain Creek, Love Joy and Prairie Green in Iroquois County	10.87	.40	1% .30		.25%
Kankakee County; Remainder of Ford and Iroquois Counties	9.65	.40	1% .30	5%	3/8 of 1%
Grundy County; Northern half of Central Southern part of LaSalle County; Walnut, Ohio, MaMoielle, Clarion, Bureau, Dover, Berlin and Westville Townships in Bureau County	12.47	.50	1%+.50		.2%

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	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
ELECTRICIANS: (Cont'd) Vicinity of LaSalle S.W. part of County; Remainder of Putnam County; Townships of Arispe, Concord, Fairfield, Gold, Green- ville, Hall, Indiantown, Leepertown, Macon, Manilus, Milo, Mineral, Neposet, Princetown, Selby, Wheatland and Wyanet in Bureau County	\$11.05	.40	1%+.30		.25%
Areas west of Bell Plaine and Roberts Townships in Marshall County; Area West of but not including Linn, Kansas, Palestine, Roanoke, Cazenovia and Metamora Townships in Woodford County Livingston County; Vicinity of Streator - S.E. part of County south of Eden in LaSalle County; Magnolia Townships in Putnam County; Area east of Cazenovia and Metromora Townships including Linn, Clayton, Minak, Roanoke, Green and Panola Townships in Woodford County; Area south of Roberts Township in Ford County; Townships of Artesia, Pigeon Grove and Loda in Iroquois County; Cropsey, Anchor, Cheney Grove and Belle Flower Townships in McLean County	10.77	.40	1%+.50		1%
Remainder of McLean County; (Townships of Elpaso, Kansas and Palestine - S.E. corner) Woodford County	11.10	.40	1%+.20		.3%
IRONWORKERS: Iroquois and Kankakee Counties Grundy County	10.45 10.85 9.85	.40 .65 2.50	1%+.40 .65 .325		.002 .05
Ford County; Livingston County; Eastern part of McLean County	10.05	.50	1.00		.08

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
IRONWORKERS: (Cont'd)				
Woodford County; S.W. corner of Marshall County	.50	.675		.025
LaSalle and Putnam Counties; Remainder of Marshall County	.50	.375		.02
LINEMEN:				
Iroquois County:				
Linemen, Groundman Equipment Operator	.40	1%+.30		.5%
Groundman Truck Driver:				
W/winch	.40	1%+.30		.5%
WO/winch	.40	1%+.30		.5%
Groundman	.40	1%+.30		.5%
Kankakee County:				
Linemen, Equipment Operators	5%	4%	8%	.25%
Groundman	5%	4%	8%	.25%
Grundy County:				
Linemen and Equipment Operators	.50	1%+.50		.2%
Cable Splicer	.50	1%+.50		.2%
Ford, LaSalle, Livingston, McLean Counties:				
Marshall, Putnam, and Woodford Counties:				
Linemen	.35	1%		.5%
Groundman Equipment Operator	9.85	1%		.5%
Class 1				
Groundman Truck Drivers:				
W/winch	.35	1%		.5%
WO/winch	.35	1%		.5%
Groundman Class "A"	.35	1%		.5%
PAINTERS:				
Puntham County; Townships of Mendota, Ogelsby, Utica and Peru in LaSalle County:				
Industrial and Structural Steel				
Brush	8.65	.15		
Spray and Sandblasting	9.65	.15		
Remainder of LaSalle County:				
Industrial; Structural Steel and Bridges				
Brush	9.80	.15		
Spray	10.80	.15		

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
PAINTERS: (Cont'd)				
Grundy County:				
Bridges w/butt plates and hand rails only	.52	.45		.04
Bridges w/o superstructures	.52	.45		.04
Bridges w/superstructures and Lift type	.52	.45		.04
Kankakee and Iroquois Counties:				
Brush and Roller	.45	.50		
Spray	.45	.50		
Marshall and Woodford Counties:				
Brush	.45	.30		.03
Structural Steel, Bridge & Spray	.45	.30		.03
TRUCK DRIVERS:				
Kankakee and Iroquois Counties:				
2-3 Axle Trucks	a21.50	a22.00		
4 Axle Trucks	a21.50	a22.00		
5 Axle Trucks	a21.50	a22.00		
6 Axle Trucks	a21.50	a22.00		
Grundy County; Remainder of Livingston and Woodford Counties:				
2-3 Axle Trucks	a20.00	a24.00		
4 Axle Trucks	a20.00	a24.00		
5 Axle Trucks	a20.00	a24.00		
6 Axle Trucks	a20.00	a24.00		

FOOTNOTE:

A-per week per employee

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LABORERS:	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
LaSalle and Putnam Counties:						
Unskilled	\$ 8.60	.40	.42			.035
Semi-skilled	8.80	.40	.42			.035
Skilled	9.00	.40	.42			.035
Ford, Livingston, Iroquois, Kankakee, Marshall and Woodford Counties:						
Unskilled	8.51	.40	.42			.035
Semi-skilled	8.71	.40	.42			.035
Skilled	8.91	.40	.42			.035
McLean County:						
Unskilled	8.51	.40	.42			.035
Semi-skilled	8.71	.40	.42			.035
Skilled	8.91	.40	.42			.035

UNSKILLED: Common Laborer; Carpenter Tenders; Tool Cribmen; Firemen or Salamander Tenders; Flagmen; Gravel Box Men; Dumpmen and Spotters; Form Handlers; Material Handlers; Fencing Laborers; Cleaning Lumber; Pit Men; Material Checkers; Dispatchers; Landscapers; Unloading explosives; Laying of sod; Planting of trees; Asphalt Plant Laborers; Wrecking Laborers; Writer of scale tickets; Fire Shop Laborers; Fireproofing Laborers; Janitors; Wrecking-dismantling buildings; Wallmen and Housemovers; Driving of stakes; Stringlines for all machinery

SEMI-SKILLED: Handling of materials treated with oil, creosote, asphalt or and other foreign material; Track Laborers; Cement Handlers; Chloride Handlers; the Unloading and Laborers w/steel workers and rebars; Concrete workers (wet); Tunnel Helpers in free air; Batch Dumpers; Mason and Plasterer Tenders and Material Wheelers; Kettlemen and Tarmen; Tank Cleaners; Plastic Installers; Scaffold Workers; Motorized Buggies or Motorized Units used for wet concrete of handling of building materials; Laborers w/dewatering systems; All sewer workers plus depth; Rod and Chainmen with Land Surveyors; Vibrator Operators; Mortar Mixer Operator; Cement Silica, Clay, Fly Ash, Lime and Plasters; Handlers (bulk or bag); Cofferdam Workers plus depth; (on concrete paving) placing, cutting and trying or reinforcing; Deck Hand; Dredge Hand and Shore Laborers; Bankmen on floating plant; Asphalt Workers w/machine; Asphalt Raker; Grade Checker

SKILLED: Dynamite Man or Blasters; Calsson Workers plus depth; Gunnite Nozzle Men; Leadman on sewer work; Welders; Cutters; Burners; Torchmen; Chain Saw Operator; Jackhammer and Drill Operators; Layout Man; Steel Form Setters (street and highway); Air Tamping Hammerman; Signal Man on crane, concrete saw operator; Screenman on asphalt pavers; Laborers tending Masons w/hot materials are used; Multiple Concrete Duck-Leadmen; Lutement; Curb Asphalt Machine Operator; Ready-mix Silaemen; Portable or temporary plant; Laborers handling masterplate or similar materials; Laser Beam Operator; Coring Machine Operator

LABORERS:	DECISION NO. IL76-2143	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
			H & W	Pensions	Vacation		
GRUNDY COUNTY							
CLASS 1 Common Laborers, Plasterer Laborers, Pumps for Dewatering & other Unclassified Laborers		\$7.80	.57	1.10			
CLASS 2 Gement Gun Laborers		7.875	.57	1.10			
CLASS 3 Scaffold Laborers & Chimney Laborers over 40'		7.90	.57	1.10			
CLASS 4 Windlass & Cement Gun Nozzle Laborers - Gunnite		7.95	.57	1.10			
CLASS 5 Stone Handlers & Detrickmen		8.00	.57	1.10			
CLASS 6 Jackhammermen		8.025	.57	1.10			
CLASS 7 Concrete Vibrator, Plumbers' Laborer & Chain Saw Operator		8.05	.57	1.10			
CLASS 8 Firebrick & Boiler Setters' Laborers		8.125	.57	1.10			
CLASS 9 Chimney Laborers on Firebrick, Calsson Diggers & Well Point System Men		8.15	.57	1.10			
CLASS 10 Boiler Setter Plastic Laborers		8.25	.57	1.10			
CLASS 11 Jackhammer on Firebrick Only		8.375	.57	1.10			

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POWER EQUIPMENT OPERATORS (CONT'D)

CLASS III Boilers; boiler & throttle valve, brooms, all power propelled, cement supply tender, compressor & throttle valve, concrete mixer (2 bags & over) conveyor, portable, fireman on boiler, forklift trucks, greaser engineer, grouting machine hoists, automatic, hoists, all elevators, hoists, tugger, single drum, jeep diggers, pipe power saw, concrete, power-driven, pug mills, rollers, all, steam generators, stone crushers, stump machine, winch trucks with "A" frame, work boats, tamper, form motor driven

CLASS IV Air Compressors, all, generators, heaters, mechanical, light plants, all (1 through 5), pumps, all, pumps well points, tractaire, welding machines (2 through 6)

CLASS V Oilers

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POWER EQUIPMENT OPERATORS:

LASALLE, GRUNDY, KANGARIE
LIVINGSTON COS; E. OF THE ILL.
RIVER IN PUTNAM CO.

ILL-10-PBO-2-3

	Basic Hourly Rates	Fringe Benefits Payments		
		M & W	Pension	Vacation
CLASS I	\$10.90	.75	.85	.40
CLASS II	10.35	.75	.85	.40
CLASS III	9.60	.75	.85	.40
CLASS IV	8.50	.75	.85	.40
CLASS V	7.50	.75	.85	.40

POWER EQUIPMENT OPERATORS:

CLASS I Asphalt plant, asphalt heater & planer combination, asphalt spreader, autograde, belt loader, caisson rigs, central redmix plant, concrete breaker (truck mounted), concrete conveyor, concrete paver over 27E cu. ft., concrete placer, concrete tube float, cranes, all attachments, cranes, Linden, Peco & machines of a like nature, derricks, traveling, dredges, euclid loader, elevating type, gradall, & machines of a like nature, derricks, all, derrick boats, derricks, travelling, dredges, euclid loader, elevating type, gradall, and machines of a like nature, grader, elevating hoists, 1,2 & 3 drum, locomotives, all, mucking machine, 1 cu. yd. & over, mucking machine, under 1 cu. yd., piledrivers & skid rig, pre-stress machine, pump cures dual ram (requiring frequent lubrication & water), rock drill crane type, slip form paver, straddle buggies, tractor w/boom, tractaire w/ attachments, trenching machine, underground boring &/or mining machine under 5 ft., wheel excavator widener (Apsco)

CLASS II Mechanic-welder, batch plant, bituminous mixer, bulldozer, combination backhoe front end loader machine, concrete breaker or hydro-hammer, concrete grinding machine, concrete mixer or paver 75 Series to & including 27 cu. ft., concrete spreader, concrete curing machine, burlap machine, belting machine & sealing machine, finishing machine, concrete grader, motor patrol auto patrol, form grader, pull grader, subgrader, highlift shovels or front end loader, hydraulic boom trucks (all attachments), locomotives, dinky, pump cures; Squeeze cures; screw type pumps Gypsum bulker & pump, rock drill (self-propelled), roto-tiller, seaman, etc. self-propelled scoops; tractor drawn, self-propelled compactor, spreader, chipstone, etc., scraper, tank car heater, tractor, push, pulling sheeps foot, disc., compactor, etc. tug boats

DECISION NO. IL76-2143

POWER EQUIPMENT OPERATORS:

MARSHALL, MCLEAN & WOODFORD COS.
REMAINDER OF PUTNAM COUNTY

ILL-20-PEO-2-3

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vocation	
GROUP 1	\$10.55	.45	.55		.05
GROUP 2	10.35	.45	.55		.05
GROUP 3	9.87	.45	.55		.05
GROUP 4	9.60	.45	.55		.05
GROUP 5	8.49	.45	.55		.05

POWER EQUIPMENT OPERATORS:

Group 1: Crane, hydro crane, shovels, crane type backfiller, tower cranes-mobile and crawler and stationary derricks and hoist (3-drum); Dragline, Dragline, Drott Yumbo and similar types considered as cranes, backhoe, derrick boats, pile driver and skid rigs, clam shells, locomotive cranes, road pavers - single drum, dual drum and tri batcher, motor patrols and power blades - Dumore, elevating similar types, mechanics central concrete mixing plant operator, blacktop plant operators and plant engineers, grad-all, caisson rigs - requires oiler, skimmerscoopkerhing scooper, dredges (all types) hop-toe-crane type (require oiler), Escalated rate on crane and derricks booms, \$.01 per hour, per ft., over 80' including jib all cherry pickers, cherry pickers (over 15 tons require oiler), work boat, Ross carrier, helicopter, dozen and tounadozer

Group 2: Asphalt heater and planter combination (used to plant streets), trench machines, pump crete - belt crete - squeeze crete - screw type pumps and gysum, bulker and pump, dinkeys, tounapulls-all, and similar types, multiple unit earth movers, \$.25 per hour for each scoop over one scoops (all sizes), pushcats, endloaders (all types), side booms, P-H one-pass soil cement machines and similar types, wheel tractors (industrial or farm-type with dozer hoe - end loader or other attachments, backfillers, asphalt surfacing machines euclid loader, fork lifts, formless finishings, jeep w/ditching machine or other attachments, tunneluger, rock crusher, automatic cement and gravel batching mobile drills (soil testing) and similar types, pugmill with pump, flaherty spreader or similar types (require oiler), heavy equipment greaser (top greaser on spread), power launches, boring machine, C.M.I. and similar types (require oiler), all (1) and (2) drum hoists, dewatering system, straw blower, hydro-seeder, boring machine, hydro-boom, starting engineer on pipeline, F.W.D. and similar types.

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POWER EQUIPMENT OPERATORS: (CONT'D)

Group 3: Apsco spreader or similar types, tractors (track-type) without power units pulling rollers, rollers on asphalt - breck or macadam, concrete breakers, concrete spreaders, center stripper, cement finishing machines, vibro tamperers (all similar types) self-propelled, mechanical bull floats, mixers over three bag to 27E, winch and boom trucks, tractor pulling power blade or elevating grader, Porter Rex rail, Clary screed, mule pulling rollers, pugmill without pump, Barber Greene or similar loaders, track-type tractors with power unit attached (minimum fireman, screed man on laydown machine, and spray machine on paving

Group 4: Power subgrader, oil distributor, straight tractor, track-air (without attachments), curb machines, paver ditch machines, truck crane oiler, and truck type hoptoee oilers

Group 5: Herman Nelson Heater, Dravo, Warner, Silent glo and similar types, one engineer will operate 1-5 and after 5, two operators will be required, self-propelled concrete saws, assistant heavy equipment greaser crawler crane and skid oilers, rollers 5 ton and under on earth and gravel, form graders, pump (1) or (2), light plant (1) or (2), generator (1) or (2), conveyor (1) or (2), welding machine (1) or (2) mixer 3 bags and under, and bulk cement plant

DECISION NO. IL76-2143

ILL-82-TD-1-2-3

TRUCK DRIVERS:

LASALLE, MCLEAN, FORD, PUTNAM
 COS; LONG POINT, NEWTON, REAR
 ING & SUNBURY TOWNSHIPS IN
 LIVINGSTON COUNTY

GROUP I

GROUP II

GROUP III

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
\$ 9.60	.55	a14.00		
10.00	.55	a14.00		
10.20	.55	a14.00		

TRUCK DRIVERS

GROUP I: - Drivers on 2 axle trucks hauling less than 9 tons, air compressor and welding machine including those pulled by separate units, truck driver helpers, warehouseman, mechanic helpers, greasers & tiremen, pick-up trucks when hauling materials, tools, or men to and from and on the jobs site; Fork lifts up to 6,000 lbs., capacity.

GROUP II: - 2 or 3 axle trucks hauling more than 9 ton, but hauling less than 16 tons; A-frame winch trucks, hydro lifts trucks, or similar equipment when used for transportation purposes; Fork lifts over 6,000 lb. capacity; winch trucks; 4-axle combination units; ticket writers

GROUP III: - 2, 3 or 4 axle trucks hauling 16 ton or more, drivers on oil distributors, water pulls, mechanics & working foreman; 5-axle or more combination units; dispatchers

FOOTNOTES

a. Per week Per Employee

DECISION NO. MO76-4177

SUPERSEDES DECISION

STATE: Kansas & Missouri

COUNTIES: Cass, Clay, Jackson, Platte, Ray, Henry, Johnson & Lafayette Counties, Missouri; Johnson & Wyandotte Counties, Kansas.

DATE: Date of Publication

Supersedes Decision No. MO75-4102, dated July 2, 1975 in 41 FR 27597

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories) and heavy and highway construction in Johnson and Wyandotte Counties, Kansas only.

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
ASBESTOS WORKERS	.50	.80		.02
BOILERMAKERS	.85	1.00		.02
BRICKLAYERS AND STONEMASONS	.55	.35	1.00	
CARPENTERS:				
Zone 1 - Cass, Clay, Jackson, Lafayette, Platte and Ray Counties, Missouri; Johnson and Wyandotte Counties, Kansas				
Carpenter, Millwrights and Piledrivers	10.20	.30		.05
Zone 2 - Henry and Johnson Counties, Missouri				
Carpenters	9.825	.30		.05
Millwrights & Piledrivers	10.20	.30		.05
CEMENT MASONS (Building Construction)				
Zone 1 - Cass, Clay, Jackson, Lafayette, Platte and Ray Counties, Missouri; Johnson and Wyandotte Counties, Kansas				
Cement masons	9.475	.50	.50	
Composition	9.725	.50	.50	
Zone 2 - Henry and Johnson Counties, Missouri				
Cement MASONS (Heavy and Highway Construction): Johnson & Wyandotte Counties, Kansas	9.655	.40	.50	1.25
ELECTRICIANS:				
Zone 1 - Western half of Clay and Jackson Counties, Missouri not including Blue Springs; Northern half of Platte County, Missouri; Northwestern portion of Cass County, Missouri not including Pleasant Hill:				
Electricians	10.62	.29	1%+.31	.80
Zone 2 - Henry, Johnson and Lafayette Counties, Missouri and remainder of Clay, Jackson, Platte and Cass Counties, Missouri				
Electricians (contracts over \$5,000)	10.62	.29	1%+.31	.80

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
ELECTRICIANS - Zone 2 Cont'd: Electricians (contracts \$5,000 and under)	.29	1%+.31	.80	.06
Zone 3 - Ray County, Missouri; Electricians (contracts over \$5,000)	.29	1%+.31	.80	.06
Electricians (contracts \$5,000 and under)	.29	1%+.31	.80	.06
Zone 4 - Johnson and Wyandotte Counties, Kansas				
ELEVATOR CONSTRUCTORS	10.62	1%+.31	.80	.06
ELEVATOR CONSTRUCTORS' HELPERS	10.56	.29	3%+a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	70%JR	.29	3%+a+b	.02
	50%JR			

FOOTNOTES: - a-Employer contributes 4% of basic hourly rate for over 5 years of service and 2% of basic hourly rate for 6 months to 5 years service as Vacation Pay Credit. b-list 6 months-none; 6 months-5 years 2%; over 5 years 4% of basic hourly rate; also 6 paid holidays.

GLAZIERS	9.50	.55	.51	15.416%	.03
IRONWORKERS	9.60	.70	1.00	1.00	.05
LABORERS:					
Building Construction					
Zone 1 - Cass, Clay, Jackson and Platte Counties, Missouri; Johnson and Wyandotte Counties Kansas					
GROUP I	8.10	.45	.40	.50	.10
GROUP II	8.195	.45	.40	.50	.10
GROUP III	8.295	.45	.40	.50	.10
GROUP IV	8.39	.45	.40	.50	.10
GROUP V	8.49	.45	.40	.50	.10
Zone 2 - Lafayette and Ray Counties, Missouri					
GROUP I	7.80	.45	.40	.50	.10
GROUP II	7.90	.45	.40	.50	.10
GROUP III	7.975	.45	.40	.50	.10
GROUP IV	8.05	.45	.40	.50	.10
GROUP V	8.15	.45	.40	.50	.10

DECISION NO. MO76-4177

CLASSIFICATION DEFINITIONSLABORERS

GROUP I - General labor; wiremesh handlers or setters; carpenter tender; track men; flagmen; signalmen; salamander tenders; window cleaners; floor cleaners; landscape men; sod layers; wrecker (for alterations or entire projects)

GROUP II - Plumber laborers (conduit pipe, sewer work, drain tile and duck lines, digging and backfilling), power tool operators; pier hole diggers (over 10 ft.); vibrator, jackhammer, and chipping hammer operators; chain saw operators; concrete saw operators; brush feeders on pulverizers; reinforcing steel handlers; air tamp operators; ditch winch operators; swinging scaffolds

GROUP III - Cutting torch or burner men; georgia buggies (self-propelled); fork lift, hoseman; insulation man

GROUP IV - Fork lift (masonry); brick tender; plasterer tender; stonemasons tender (includes all hod carriers classifications previously shown as mortar men and scaffolding)

GROUP V - Barco, Jackson or similar tamp operators; asphalt rakers; powder men; mastic hot kettle men; sandblasting and gunnite nozzle; wagon and churn drill operators

	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
Zone 3 - Henry and Johnson Counties, Missouri	6.475					
GROUP I	6.575	.50	.50	.50		.10
GROUP II	6.80	.50	.50	.50		.10
GROUP III						

CLASSIFICATION DEFINITIONSLABORERS:

GROUP I - Carpenter tenders, track men, wreckers (alterations or entire projects); reinforcing rod carriers; flagmen; signal men; all other general laborers

GROUP II - Plumber laborers; stonemason tenders; air tool operators, sewer work, water lines, conduit pipe, drain tile and duct lines; batter board man or pipe & ditch work; pier hole men working below ground; vibrator man; Jackhammer & chipping hammer operators; material batch hopper man; scaleman; spreader or screed man on asphalt machine; chain or concrete sawman; brush feeders on pulverizers; swinging scaffold; cement handlers (bulk or sack); laser beam man

GROUP III - Plaster tenders; hod carriers; brick tender; cutting torch & burner men; asphalt rakers; barco tamper; Jackson or any similar tamps; power buggy operator; powderman; mastic kettlemen; sandblasting & gunnite nozzle; head pipe layer on sewer work; men working in tunnels; head form setters & stringline men; hot tar applicator

	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
LABORERS: Site preparation and Grading, Heavy and Highway Construction Zone 3 - Johnson and Wyandotte Counties, Kansas						
GROUP I	8.30	.50	.50	.75		.10
GROUP II	8.45	.50	.50	.75		.10
GROUP III	8.60	.50	.50	.75		.10
GROUP IV	8.80	.50	.50	.75		.10
GROUP V	9.10	.50	.50	.75		.10

CLASSIFICATION DEFINITIONSLABORERS

GROUP I - Carpenter tenders, salamander tenders, dump man and ticket takers on stock piles; flagman; loading trucks under bins, hoppers and conveyors track men and all other general laborers

GROUP II - Air tool operators; cement handler (bulk or sack); chain or concrete saw; deck hands; dump man on earth fill; grade checkers on cuts and fills; georgia buggies man; material batch hopper man; scale man; material mixer man (except on manholes, coffer dams, abutments and pier hole men working below ground); riprap pavers rock, block or brick; signalman; scaffolds over 10 ft. not self-supported from ground up; skip-man on concrete paving; vibrator man; wire mesh setters on concrete paving; all work in connection with sewer, water, gas, gasoline, oil, drainage pipe, conduit pipe, tile and duct lines and all other pipe lines; power tool operator; all work in connection with hydraulic or general dredging operations; form setter helpers; puddlers (paving only)

GROUP III - Crusher feeder; men handling creosote ties or creosote materials; men working with and handling epoxy material or materials (where special protection is required); head pipe layer on sewer work; topper of standing trees; batter board man on pipe and ditch work; feeder man on wood pulverizers; board and willow mat weavers and cable tiers on river work; all laborers working on underground tunnels where compressed air is not used.

GROUP IV - Spreader or screed man on asphalt machine; asphalt raker; laser beam man; barco tamper; Jackson or any other similar tamp; wagon driller; churn drills; air track drills and all other similar drills; form setters; cutting torch man; liners and stringline men on concrete paving, curbs, gutters and etc.; hot mastic kettlemen; hot tar applicator; hand blade operators; manhole builders helpers and mortar men on brick or block manholes; sandblasting and gunnite nozzle men; rubbing concrete; air tool operator in tunnels

GROUP V - Manhole builder (brick or block); dynamite and powder men

DECISION NO. MO76-4177

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vocation	
Zone 2 - Henry and Johnson Counties, Missouri	9.00				
PIPEFITTERS	11.37	.57	1.15		.11
PLUMBERS	11.64	.65	.80		.11
POWER EQUIPMENT OPERATORS:					
Building Construction					
GROUP I	10.10	.50	1.00	.75	.10
GROUP II	9.85	.50	1.00	.75	.10
GROUP III	8.60	.50	1.00	.75	.10
GROUP IV	9.10	.50	1.00	.75	.10
GROUP V	9.10	.50	1.00	.75	.10
GROUP VI	9.35	.50	1.00	.75	.10
GROUP VII	10.35	.50	1.00	.75	.10
GROUP VIII	10.60	.50	1.00	.75	.10
GROUP IX	10.10	.50	1.00	.75	.10
GROUP X	11.10	.50	1.00	.75	.10
GROUP XI	10.60	.50	1.00	.75	.10
GROUP XII:					
(a)	9.85	.50	1.00	.75	.10
(b)	9.60	.50	1.00	.75	.10
(c)	9.60	.50	1.00	.75	.10
(d)	8.85	.50	1.00	.75	.10

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS

GROUP I - Asphalt paver and spreader; asphalt plant mixer operator; asphalt plant operator; back fillers; backhoe, alltypes; barber-greene loader (similar type); blade-power, all types; boats-power; boilers (2); boring machines (all types); cableways; cherry pickers (all types); chip spreader; clamshells; combination concrete hoist and mixer such as mixerobile (with tower, 50¢ per hour additional); compressors (2) 150 ft. or over not more than 20' apart; compressors tandem (any sizes); compressors single, truck mounted; concrete ready-mixed plant, portable (job site); concrete mixer paver; crane-overhead; crusher, rock; derricks and derricks cars (power operated); ditching machines; dozers; draglines; dredges - any type power; grade-all - similar type; hoist, endless chain-power operated with power travel; loaders - all types; locomotives all types; mechanic and welder; mucking machine; orange peels; pile drivers - all types; pumps - material all types; push cats; scoops all types; self-propelled rotary drill; shovel, power; side boom; skimmer scoop; testhole machine; throttle man

GROUP II - A-frame trucks; boilers (1); brooms - power operated (all typed); chip spreader (front man); clef plane operator; compressors (1) 150' or over; concrete saws, self-propelled; conveyor operator; crab - power operated; curb finishing machine; firemen on rigs; flex plane; floating machine; form grader; fork lift - all types and sizes (except masonry); greaser hoist; hoist, endless chain - power operated; hopper - power operated; hydra hammer (all types); lad-a-vator - similar type; mixers with side loaders; pumps (with well points); pump; rollers - all types; siphons, jets, and jennies, sub-grader; tractors over 50 h.p.

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	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vocation	
LATHERS					
LINE CONSTRUCTION:					
ZONE I - Cass, Clay, Jackson, Platte and Ray Counties, Missouri; Wyandotte and remainder of Johnson Counties, Kansas	10.60	.40			
Linenmen	10.56		1%+.15		½%
Heavy equipment operator	9.83	.38	1%+.15		½%
Groundman	6.97	.38	1%+.15		½%
Groundman (1st year)	5.99	.38	1%+.15		½%
Groundman Powderman	7.34	.38	1%+.15		½%
ZONE 2 - Western 3/4 of Johnson County, Kansas					
Linenmen	9.25	.45	1%		½%
Cable splicers	9.71	.45	1%		½%
Groundman, over 1 year	5.75	.45	1%		½%
Groundman, 1st year	4.36	.45	1%		½%
Powderman	7.67	.45	1%		½%
Line truck and equipment operators:					
1st year	5.89	.45	1%		½%
2nd year	7.05	.45	1%		½%
Over 2 years' experience	7.67	.45	1%		½%
MARBLE AND TILE SETTERS	10.82	3.65%	3.25%		
MARBLE AND TILE SETTERS' HELPERS	9.00				
PAINTERS:					
ZONE I - Cass, Clay, Henry, Jackson, Johnson (excluding Whiteman Air Force Base), Lafayette, Platte and Ray Counties, Missouri; Johnson and Wyandotte Counties, Kansas					
Brush and tapers	9.49	.55	.70		.07
Spray	10.49	.55	.70		.07
ZONE 2 - Johnson County, Missouri (Whiteman Air Force Base only)					
Brush	8.50				
Spray	9.50				
PLASTERERS:					
ZONE I - Cass, Clay, Jackson, Lafayette, Platte and Ray Counties, Missouri; Johnson and Wyandotte Counties, Kansas	11.15				

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS

GROUP I - Asphalt paver and spreader; asphalt plant console operator; auto grader; backhoe; blade operator, all types; boilers - 2; booster pump on dredge; boring machine (truck or crane mounted); bulldozer operator; clamshell operator; compressor maintenance operator - 2; concrete plant operator, central mix; concrete mixer paver; crane operator; derrick or derrick trucks; ditching machine; dragline operator; dredge engine; dredge operator; drillcat with compressor mounted on cat; drilling or boring machine, rotary, self-propelled; high loader - fork lift; hoisting engine - 2 active drums; locomotive operator, standard gauge; mechanics and welders, field or shop; maintenance operator; mucking machine; pile driver operator; pitman crane operator; pump - 2; quad-trac; scoop operator - all types; scoops in tandem; self-propelled rotary drill (leroy or equal - not air trac); shovel operator; side discharge spreader; sideboom cats; skimmer scoop operator; slip - form paver (CMI, REX, or equal); throttle man; truck crane; welding machine maintenance operator - 2

GROUP II - A-frame truck; asphalt hot mix silo; asphalt plant fireman, drum or boiler; asphalt plant mixer operator; asphalt plant man; asphalt roller operator; backfiller operator; chip spreader; concrete batch plant, dry-power operated; concrete mixer operator, skip loader; concrete pump operator; crusher operator; elevating grader operator; greaser; hoisting engine - 1 drum; latourneau rooter; multiple compactor; pavement breaker, self-propelled, of the hydra-hammer or similar type; power shield; pug mill operator; stump cutting machine; towboat operator tractor operator over 50 h.p.

GROUP III - boilers - 1; chip spreader (front man); churn drill operator; compressor maintenance operator - 1; concrete saws, self-propelled; conveyor operator; distributor operator; finishing machine operator; fireman, rig; float operator; form grader operator; pump; pump maintenance operator, other than dredge; roller operator, other than high type asphalt; screening and washing plant operator; self-propelled street broom or sweeper; siphons and jets; sub-grading machine operator; tank car heater operator - combination boiler and booster; tractor, 50 h.p. or less, without attachments; vibrating machine operator, not hand; welding machine maintenance operator - 1

GROUP IV - Mechanic's helpers; oilers

GROUP V - Oiler driver, all types

GROUP VI - Clamshells, 3 yds. capacity or over; crane or rigs, 80 ft. of boom or over (including jib); draglines, 3 yds. capacity or over; piledrivers, 80 ft. of boom or over (including jib); shovels, 3 yds. capacity or over

GROUP VII - Cranes or rigs, over 200 ft. of boom (including jib)

GROUP VIII - Hoists (each additional drum over 1 drum)

Men working in tunnels or shafts (not air shafts or coffer dams) of twenty-five (25) ft of more in length or depth will be paid fifty cents (50¢) per hour above the regular classification.

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GROUP III - Oiler

GROUP IV - Fork lift-masonry

GROUP V - Oiler driver all types

GROUP VI - Tractors (except when hauling material) less than 50 h.p.

GROUP VII - Clamshells, 80 ft of boom or over (including jib); crane or rigs, 80 ft. of boom or over (including jib); draglines, 80 ft. of boom or over (including jib); piledrivers, 80 ft. of boom or over (including jib)

GROUP VIII - Crane or rigs, over 200 ft. of boom

GROUP IX - Hoists each additional drum over 1 drum

GROUP X - Master mechanic

GROUP XI - Crane - tower or climbing

GROUP XII - Ready mixed concrete plants;

(a) Crane operator

(b) Loader operator

(c) Plant man

(d) Conveyor operator

Basic Hourly Rates	Fringe Benefits Payments			
	H & W	Pensions	Vacation	Education and/or Appr. Tr.
10.10	.50	1.00	.75	.10
9.85	.50	1.00	.75	.10
9.60	.50	1.00	.75	.10
8.60	.50	1.00	.75	.10
9.10	.50	1.00	.75	.10
10.35	.50	1.00	.75	.10
10.60	.50	1.00	.75	.10
10.10	.50	1.00	.75	.10

POWER EQUIPMENT OPERATORS

(Contd)

Site preparation and grading, Heavy and Highway Construction Zone 1 - Johnson and Wyandotte Counties, Kansas

GROUP I

GROUP II

GROUP III

GROUP IV

GROUP V

GROUP VI

GROUP VII

GROUP VIII

GROUP VI- Mechanics

GROUP VII - Transit mix, 5 yds. and over

GROUP VIII - Transit mix, under 5 yds.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ROOFERS:	9.80	.45	.60		.04
Roofers:					
Helpers:	5.88	.45	.60		.04
1st 6 months	6.37	.45	.60		.04
2nd 6 months	6.86	.45	.60		.04
3rd 6 months	7.35	.45	.60		.04
4th 6 months	7.84	.45	.60		.04
5th 6 months	8.33	.45	.60		.04
6th 6 months	8.82	.45	.60		.04
7th 6 months	9.31	.45	.60		.04
SHEET METAL WORKERS	11.355	.50	.50		.05
SOFT FLOOR LAYERS	8.36	.40	.60		.08
SPRINKLER FITTERS	11.63	.60	.90		.06
SPRINKLER FITTERS (Henry, Johnson and Lafayette Counties, Missouri)					
TERRAZZO WORKERS	11.40	.60	.90		.08
TRUCK DRIVERS:	10.48	3.65%	3.25%		
Building Construction:					
GROUP I	8.525	.50	1.00		
GROUP II	8.575	.50	1.00		
GROUP III	8.65	.50	1.00		
GROUP IV	8.775	.50	1.00		
GROUP V	8.675	.50	1.00		
GROUP VI	8.875	.50	1.00		
GROUP VII	8.725	.50	1.00		
GROUP VIII	8.625	.50	1.00		

CLASSIFICATION DEFINITIONS

TRUCK DRIVERS

GROUP I - Warehousemen and stock man

GROUP II - Flat beds; pick-ups; dump trucks, under 10 yds.

GROUP III - Dump trucks, 10 yds. and over; steel trucks; semi truck drivers

GROUP IV- Straddle trucks, steel tractors (when used for towing); hydro lift trucks; hydraulically operated serial lifts; heavy hauling, a-frame winch and fork lifts; heavy excavating (dumper, euclid, etc.); double bottom units (20 tons capacity and over)

GROUP V - Distributor truck drivers and operators; oilers, greasers and mechanics' helpers

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TRUCK DRIVERS:					
Site Preparation and Grading, Heavy and Highway Construction Zone I - Johnson and Wyandotte Counties, Kansas					
GROUP I	8.59	.50	1.00		.75
GROUP II	8.79	.50	1.00		.75
GROUP III	9.10	.50	1.00		.75
GROUP IV	9.25	.50	1.00		.75
GROUP V	8.365	.50	1.00		.75

CLASSIFICATION DEFINITIONS

TRUCK DRIVERS

GROUP I - One team; station wagons; pickup trucks; material trucks, single axle; tank wagon drivers, single axle

GROUP II - Material trucks, tandem; two teams; semi-trailers; winch trucks - fork trucks; distributor drivers and operators; agitator and transit mix; tank wagon drivers; single axle; tank wagon drivers tandem or semi-trailers; insley wagons; dump trucks, excavating, 5 cu. yds. and over; dumpsters; half-tracks; speedace; euclids and other similar excavating equipment

GROUP III - A-frame, lowboy, and boom truck driver

GROUP IV - Mechanics and welders

GROUP V - Mechanics' helpers, oilers and greasers

WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.

SUPERSEDEAS DECISION

STATE: Kentucky
 COUNTY: See below*
 DATE: Date of Publication
 DECISION NUMBER: KY76-1128
 Supersedes Decision No.: KY75-1093 dated September 19, 1975 in 40 FR-43456
 DESCRIPTION OF WORK: Heavy and Highway Construction

*Counties: Allen, Ballard, Butler, Caldwell, Calloway, Carlisle, Christian, Crittenden, Daviess, Edmonson, Fulton, Graves, Hancock, Henderson, Hickman, Hopkins, Livingston, Logan, Lyon, McCracken, McLean, Marshall, Muhlenberg, Ohio, Simpson, Todd, Trigg, Union, Warren and Webster.

Heavy & Highway Construction

Carpenters	7.85	.35	.30			.03
Cement masons	7.05	.75	.30			
Electricians:						% of 1%
Groundmen(outside)	8.01	.45	1%			% of 1%
Linemen (outside)	9.80	.45	1%			
Cable splicer (outside)	10.05	.45	1%			
Ironworkers:						
Structural and ornamental	9.10	.45	.65			.02
Reinforcing	9.10	.45	.65			.02
Painters:						
Brush & roller	8.25	.25				
Spray, sandblasting & Power tools	8.80	.25				
Where there is a free fall of 40 to 80 ft.						
Brush & roller	8.75	.25				
Spray, Sandblasting & Power tools	9.30	.25				
Where there is a free fall of 80 to 120 ft:						
Brush & roller	9.00	.25				
Spray, Sandblasting & Power tools	9.55	.25				
Over 120 feet:						
Brush & roller	9.25	.25				
Sand, Sandblasting & Power tools	9.80	.25				
Bridge work: Brush,spray, Roller & sandblasting	9.25	.25				
Piledrivermen	8.10	.35	.30			
Plumbers & pipefitters	10.60	.50	.55			
Welder - Rate for craft.						

KY76-1128- (Cont'd)

LABORERS:HEAVY & HIGHWAY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vocation		
GROUP 1	6.79	.35	.35			
GROUP 2	7.04	.35	.35			
GROUP 3	7.09	.35	.35			
GROUP 4	7.69	.35	.35			

Group 1 - Laborers: Asphalt plant laborers, concrete laborers, asphalt laborers, storm and sanitary sewer laborers, carpenter tenders, cement mason tenders, mesh handlers and placers, landscaping and seeding, planters and tree trimmers, sign, guard rail and fence installers, grade checkers, ageing and curing of concrete, truck spotters and dumpers, flagmen, riprap and grouters, dredging laborers, right-of-way laborers, wrecking and demolition laborers, drill helpers, and all hand digging and hand back filling, batch truck dumper

Group 2 - Wagon drill, jackhammers, paving breakers, chain saw, concrete saw, paving joint machine, vibrator operator, power driven Georgia buggy or wheelbarrow, sandblaster and concrete chippers, green concrete cutting, brickmason tenders and mortar mixers, pipe layers, joint maker, batter board man (sanitary and storm sewer), dry cement handlers, concrete rubbers, walk-behind tamper machine, surface grinderman, hand operated grouter and grinder machine, deckhand scow man, burner and welder, walk behind trenching machine

Group 3 - Powderman and blasters, side rail setters including metal rail paved ditches, tunnel laborers (free air), gunnite operators and mixers man, gunnite nozzleman, asphalt luteman and rakeman air tract driller (all types), grout pump operator

Group 4 - Tunnel blaster, tunnel muckers (free air), miners and drillers (free air), caisson workers (free air)

KY76-1128 - (Cont'd)
HIGHWAY CONSTRUCTION

POWER EQUIPMENT OPERATORS:

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS A	8.45	.35	.35		.05
CLASS B	7.00	.35	.35		.05
CLASS C	6.41	.35	.35		.05

Class A

Auto patrol, batcher plant, bituminous paver, cableway, central compressor plant operator, clamshell, concrete mixer (21 cu. ft. or over), concrete pump, crane, crusher plant, derrick, derrick boat, ditching and trenching machine, dragline, dredge engineer, elevator (regardless of ownership when used for hoisting any building material), elevating grader and all types of loaders, hoe-type machine, hoisting engine (two or more drums), locomotive, motor scraper, bulldozer, mechanical orange peel bucket, piledriver, power blade, roller (bituminous), scarifier, shovel, tractor shovel, truck crane, winch truck, push dozer, high lift, fork lift (regardless of lift height), all types of boom cats, core drill, tow or push boat, A-Frame winch truck, concrete paver, gradeall, hoist (two or more drums), hystor, pumpcrete, ross mucking machine, rock spreader attached to equipment, scoomobile, KeCal loader, tower cranes (French German and other types), hydrocranes, backfiller, guries, subgrader, and dredge engineer.

Class B

All air compressors (600 cu. ft. per min. or greater capacity), bituminous mixer, concrete mixer (under 21 cu. ft.), elevator (one drum or buck hoist), welding machine, form grader, grout pump, roller (rock), tractor (50 hp and over), bull float, finish machine, outboard motor boat, electric vibrator compactor/ self-propelled compactor, boom type tamping machine, truck crane oiler, greaser on grease facilities servicing heavy equipment, switchman or brakeman, mechanic helper, whirley oiler, tractor and road widening trencher, joint sealing machine, rotary drill (under 5), throttle valve man tugger, well points, flexplane, firemen, and hoist (one drum).

Class C

Bituminous distributor, cement gun, conveyor, mud jack, paving joint machine, pump, roller (earth), tamping machine, tractors (under 50 hp), vibrator, oiler, concrete saw, burlap and curing machine, hydro seeder, power form handling equipment, deckhand oiler, and hydraulic post driver.

KY76-1128 - (Cont'd)

HEAVY CONSTRUCTION

POWER EQUIPMENT OPERATORS:

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS A	9.65	.35	.35		.05
CLASS B	7.51	.35	.35		.05
CLASS C	6.89	.35	.35		.05

CLASS A

Auto patrol, batcher plant, bituminous paver, cableway, central compressor plant operator, clamshell, concrete mixer (21 cu. ft. or over), concrete pump, crane, crusher plant, derrick, derrick boat, ditching and trenching machine, dragline, dredge engineer, elevator (regardless of ownership when used for hoisting any building material), elevating grader and all types of loaders, hoe-type machine, hoisting engine, locomotive, leftturner or carry-all scoop, bulldozer, mechanical welder, orange peel bucket, piledriver, power blade, roller (bituminous), scarifier, shovel, tractor shovel, truck crane, winch truck, push dozer, high lift, fork lift (regardless of lift height), all types of boom cats, core drill, tow or push boat, A-Frame winch truck, concrete paver, gradeall, hoist (two or more drums), hystor, pumpcrete, ross carrier, side boom, tail boom, rotary drill, mucking machine, rock spreader attached to equipment, scoomobile, KeCal loader, tower cranes (French, German and other types), hydrocranes, backfiller, guries, subgrader.

CLASS B

All air compressors (over 900 cu. ft. per min. or greater capacity), bituminous mixer, concrete mixer (under 21 cu. ft.), welding machine, form grader, roller (rock), tugger, tractor (50 H.P. and over), bull float, finish machine, outboard motor boat, well points, flexplane, fireman, boom type tamping machine, truck crane oiler, greaser on grease facilities servicing heavy equipment, switchman or brakeman, joint sealing machine, mechanic helper, whirley oiler, tractor and road widening trencher, grout pump, electric vibrator compactor/ self-propelled compactor, throttle valve, elevator (one drum or buck hoist), power sweeper (riding type), core drill and caisson drill helper (truck mounted).

CLASS C

Bituminous distributor, cement gun, conveyor, mud jack, paving joint machine, pump, roller (earth), tamping machine, tractors (under 50 H.P.) vibrator, oiler, concrete saw, burlap and curing machine, hydro seeder, power form handling equipment, deckhand steerman, hydraulic post driver, core drill and caisson drill helper (track or skid mounted).

KY76-1128 - (Cont'd)

HEAVY & HIGHWAY CONSTRUCTION

TRUCK DRIVERS

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
GROUP I	7.12		a		
GROUP II	7.17		a		
GROUP III	7.40		a		
GROUP IV	7.47		a		
GROUP V	7.48		a		

GROUP I - Truck helper and warehousemen

GROUP II - Driver 3 tons and under, greaser, tire changer and mechanic helper

GROUP III - Truck mechanic

GROUP IV - Driver over 3 tons, distributors, dump truck tandem axle, mixer trucks (all types), semi-trailer or pole trailer when used to pull building material or equipment

GROUP V - Driver of pavement breakers, euclid and other heavy earth moving equipment and low boy, bork lift truck (when used for transporting building materials), winch truck and A-Frame truck when used in transporting materials.

FOOTNOTE:

- a. \$25.00 per week for each employee who has been employed a minimum of twenty (20) workdays within any ninety (90) consecutive day period for that employer.

SUPERSEDES DECISION

STATE: Maryland

COUNTIES: Baltimore, Harford, Howard and Baltimore City
 DATE: Date of Publication
 DECISION NO.: MD76-3218 dated July 30, 1976 in 41 FR 32136
 SUPERSEDES Decision No. MD76-3218 dated July 30, 1976 in 41 FR 32136
 DESCRIPTION OF WORK: Building Construction (excluding single family house and garden type apartments up to and including 4-stories), Heavy Construction (excluding sewer and water lines).

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DECISION NO. MD76-3272	Fringe Benefits Payments				Basic Hourly Rates
	H & W	Pensions	Vacation	Education and/or Appr. Tr.	
ASBESTOS WORKERS	.70	.85		.02	\$ 8.95
BOILERMAKERS	.60	.90		.02	9.40
BRICKLAYERS	.40	.60		.07	10.15
CARPENTERS	.75	.69		.05	9.80
CEMENT MASONS	.60	.55			10.02
ELECTRICIANS:					
Zone 1 - From Baltimore City	.60	17+70		1/2	10.00
Zone 2 - Over 25 Miles to 45					
Miles from Baltimore City Hall	.60	17+70		1/2	10.25
Zone 3 - Over 45 Miles from					
Baltimore City Hall	.60	17+70		1/2	10.50
ELEVATOR CONSTRUCTORS	.545	.35	3%+a+b	.02	10.415
ELEVATOR CONSTRUCTORS' HELPERS	.545	.35	3%+a+b	.02	7.29
ELEVATOR CONSTRUCTORS' HELPERS (PROBATIONARY)					5.21
GLAZIERS:					
Glaziers	.25	.40			7.90
Swinging Scaffold or Bosun's Chair	.25	.40			8.15
IRONWORKERS:					
Ironworkers, finishers, rodmen, pre-cast & pre-stress erectors	.80	1.53		.06	9.77
Sheeters	.80	1.53		.06	10.02
Fence erectors	.80	1.53		.06	9.42
LABORERS, BUILDING					
Laborers	.30	.50		.075	7.00
Hod Carriers	.30	.50		.075	7.40
Plasterers' Laborers	.30	.50		.075	7.15
Power Tool Operators	.30	.50		.075	7.10
Pipelayers (concrete & clay)	.30	.50		.075	7.20
Wagon Drill Operators	.30	.50		.075	7.25
Mason Tenders	.30	.50		.075	7.30
Scaffold Builders	.30	.50		.075	7.50
LABORERS, HEAVY					
Laborers	.30	.50		.075	6.10
Power Tool Operators	.30	.50		.075	6.20
Pipelayers, wagon drill operators, air track drillers, burners (demolition)	.30	.50		.075	6.60
LATHERS	.40	.35	h	.01	\$ 9.59
LEAD BURNERS		.25	c	.01	10.50
LINEMEN & CABLE SPICERS:					
Zone 1 - From Baltimore City	.45	1%		1/2	10.85
Hall to 25 Miles					
Zone 2 - Over 25 Miles to 45	.45	1%		1/2	11.10
Miles from Baltimore City Hall					
Zone 3 - Over 45 Miles from	.45	1%		1/2	11.35
Baltimore City Hall	.40	.50		.07	10.15
MARBLE SETTERS					
MARBLE, TILE & TERRAZZO WORKERS:					
FINISHERS	.35	.20			6.625
MILLWRIGHTS	.75	.69			9.90
PAINTERS:					
Brush	.85	.50		.06	9.20
Structural Steel, Spray (Steel), Steamcleaning & Sandblasting	.85	.50		.06	9.70
Spackling, Taping & Wall Coverings	.85	.50		.06	9.35
PILEDRIVMEN	.85	.50		.06	9.80
PLASTERERS	.60	.40	h	.05	8.95
PLUMBERS	.50	.45		.10	10.93
ROOFERS:					
Roofers, Damp & Waterproof, Workers	.35	.40		.05	7.90
Slate, Tile, Asbestos & Asphalt Shingle	.35	.40		.05	8.35
Precast Slab & Woodblock Layer	.35	.40		.05	8.90
SHEET METAL WORKERS	.75	.70		.05	10.12
SOFT FLOOR LAYERS - Resilient Floor Layers	.75	.69		.05	9.80
SPRINKLER FITTERS:					
Baltimore City including a 10-mile radius beyond the City Limits	.60	.90		.10	10.80
Harford & Howard Counties and the remainder of Baltimore County	.60	.90		.08	11.06

DECISION NO. MD7A-3272

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PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

- Holidays: A through F.
- Employer contributes 4% of basic hourly rate for 5 years or more of service as vacation pay credit.
- Holidays: A through F plus Washington's Birthday, Good Friday and Christmas Eve (provided employee has worked at least 30 full days during the 90 calendar days prior to the holiday and the regular scheduled work days immediately preceding and following the holiday).
- Employee with 1 year of service - 1 week's paid vacation; 2 years of service - 2 weeks paid vacation; 10 years of service - 3 weeks paid vacation, provided the employee has worked 125 days in the previous contract year.
- Holidays: A through F plus the employee's birthday; the day after Thanksgiving Day and Christmas Eve (provided the employee has worked one day and has been available for work during holiday week).
- Employee with 1 year of service - 1 week's paid vacation; 2 years of service - 2 weeks paid vacation; 10 years of service - 3 weeks paid vacation, provided employee has worked 100 days in the contract year.
- Holidays A through F plus the employee's birthday, Good Friday and Christmas Eve (providing the employee has worked one day and has been available for work during the holiday week).
- Employer working Christmas Eve shall work 4 hours and receive 8 hours pay.

DECISION NO. MD76- 3272	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
STEAMFITTERS	\$10.93	.45	.60		.12
STONE MASONS	9.80	.40	.75		.07
TILE & TERRAZZO WORKERS	8.41	.40	.50		.04
TRUCK DRIVERS: Goose-necks, drop frame trailers All "A" Frames, winch trucks, fork lifts & trailers	9.20	.80	.60	d+e	
Flat beds & pick-ups	9.00	.80	.60	d+e	
Euclid wagons & dumpsters	8.00	.80	.60	d+e	
Dump trucks	8.05	.80	.60	d+e	
TRUCK DRIVERS (Excavation):	7.74	.80	.60	d+e	
Dump truck	7.74	.80	.60	f+g	
Euclid Wagons & Dumpsters	8.05	.80	.60	f+g	
Drop-Frame, Goose-Neck & Trailers	7.94	.80	.60	f+g	
Pick-Ups	7.56	.80	.60	f+g	
Welders - receive rates prescribed for craft performing operation to which welding is incidental.					

DECISION NO. MD76-3272

DECISION NO. MD76-3272

POWER EQUIPMENT OPERATORS
Building and Heavy Construction

	Basic Hourly Rates	Fringe Benefits, Payments			
		H & W	Pensions	Vacation	App. Tr.
Group 1	\$10.35	.75	.75	a	.10
Group 2:	9.85	.75	.75	a	.10
Group 3	9.30	.75	.75	a	.10
Group 4	8.85	.75	.75	a	.10
Group 5	7.85	.75	.75	a	.10
Group 6:					
a	10.25	.75	.75	a	.10
b	10.45	.75	.75	a	.10
c	10.65	.75	.75	a	.10
d	10.85	.75	.75	a	.10
e	11.10	.75	.75	a	.10

FOOTNOTE:

- a. Paid Holidays - New Year's Day;
B-Memorial Day; C-Independence
Day; D-Labor Day; E-Thanksgiving
Day; F-Christmas Day.

POWER EQUIPMENT OPERATORS
(Building and Heavy Construction)

Group 4: Caterpillar type tractor, compressors, elevator operator, firemen, fuel truck, grease truck, grout pump, light plant, midget with compressor, single conveyor, space beaters, welding machines, well-drill, well point system.

Group 5: Deck hands, oilers (all types)

Group 6: Long boom cranes, including jibs and on piledriver machines with leads: when working with piledrivermen or ironworker

Group 6a: 130" to 169"

Group 6b: 170' to 209'

Group 6c: 210' to 249'

Group 6d: 250' to 299'

Group 6e: 300' and over

Group 1: Operators handling or setting steel, stone, prestressed concrete or machinery. Tower Cranes.

Group 2: Backfiller, backhoe, batching plants, boat captain, cableway, Case type hoe (with a front end bucket over 1½ yds.), concrete mixing plants, concrete paver, derrick boat, double concrete pump, dragline, Eimco type overhead loader, elevating grader, excavating scoop (25 yds. and over), front end loader (1-3/4 yds. and over), gradall, grader, hoist (2 active drums or more), multiple conveyor, pile driving machine, power shovel, repair mechanic, shield, standard gauge locomotive, trenching machine, tunnel mucking machine, twin engine scraper, welder, whirley rig.

Group 3: Asphalt spreader, bulldozer, bull float, crane type backhoe (with a front end bucket 1½ yds. and under), concrete mixer (with skip), concrete pump, concrete spreader, excavating scoop (under 25 yds.), finishing machine, front end tractor loader (under 1-3/4 yds.), lift lift fork lift, longitudinal float, narrow gauge locomotive, one drum hoist, power roller, screeding machine, stone crusher, stone sprader, sub-grader, tractor with attachments (2 or more provided both attachments are being used).

STATE: Maryland
 SUPERSEDES DECISION
 LOCATION: Baltimore City
 DECISION NO.: MD/6-3273
 DATE: Date of Publication
 Supersedes Decision No.: 76-MD-3219, dated July 30, 1976 in 41 FR 32139
 DESCRIPTION OF WORK: Highway Construction (excluding bridge construction)

DECISION NO. MD/6-3273

POWER EQUIPMENT OPERATORS:
 HIGHWAY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP I	\$ 9.07	.75	.75	a	.10
GROUP II	8.57	.75	.75	a	.10
GROUP III	8.07	.75	.75	a	.10
GROUP IV	7.07	.75	.75	a	.10
GROUP V					
a	9.47	.75	.75	a	.10
b	9.67	.75	.75	a	.10
c	9.87	.75	.75	a	.10
d	10.07	.75	.75	a	.10
e	10.32	.75	.75	a	.10

FOOTNOTE:

a. Paid Holidays, New Year's Day; Memorial; Independence Day; Labor Day; Thanksgiving Day and Christmas Day provided the employee works three days in the work week in which the holiday occurs.

POWER EQUIPMENT OPERATORS: HIGHWAY CONSTRUCTION

Group I - Backfiller, backhoe, batching plants, cableway, case type hoe (with a front end bucket over 1-1/2 yds.), concrete mixing plants, concrete paver, derrick, derrick boat, double concrete pump, dragline, elevating grader, excavating scoop (25 yds. and over), front end loader (1-3/4 yds and over), grader, gradall, hoist (2 active drums or more), pile driving machine, power crane, power shovel, repair mechanic, standard gauge locomotive, trenching machine, tunnel mucking machine, twin engine scoop, welder, whirley rig.

Group II - Asphalt spreader, bulldozer, bull float, Case type hoe (with a front end bucket 1-1/2 yds. and under), concrete mixer (with a slip) concrete pump, concrete spreader, ditch-witch type trencher, excavating scoop (under 25 yds.), finishing machine, front end loader (under 1-3/4 yds.), grout pump, hi-lift, longitudinal float, narrow-gauge locomotive, one drum hoist, power roller, screeding machine, stone crusher, stone spreader, tractor with attachments (2 or more provided both attachments are being used), subgrader, wall-drill.

Group III - Compressors, conveyors, firemen, fueltruck, grease truck, light plan's, mighty midget with compressor, space heaters, welding machines wellpoint system

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Carpenters	\$ 9.80	.75	.69		.05
Cement Masons	10.02	.60	.55		1/2
Electricians	10.00		1 1/2 .70		.06
Ironworkers:					.075
Structural & reinforcing	9.77	.80	1.53		
Fence erectors	9.42	.80	1.53		
Laborers	6.10	.30	.50		
Truck Drivers:					
Pickups	6.85	.80	.60	a+b	
Dumps	7.03	.80	.60	a+b	
Drop-frame, gooseneck, trailer driver	7.23	.80	.60	a+b	
Euclids & dumpsters	7.34	.80	.60	a+b	

FOOTNOTES:

a. 9-paid holidays: New Year's Day, Good Friday, Memorial Day, Fourth of July, Labor Day, Thanksgiving Day, Christmas Eve, Christmas Day and Employee's Birthday, providing employee has worked one day and was available for work during the holiday week.

b. Employees who has worked 100 days in the previous contract year and have 1 year of service, 1 week's paid vacation; 2 years of service, 2 weeks paid vacation; 10 years of service, 3 weeks paid vacation.

DEPARTMENT NO. MD76-3273

POWER EQUIPMENT OPERATORS: HIGHWAY CONSTRUCTION (Cont'd)

3. Op IV - Oilers (all types)

4. Op V - Long boom cranes, including jibs, and on piledriver machines

5. Op VI - Long boom cranes, including jibs, and on piledriver machines

6. Op VII - Long boom cranes, including jibs, and on piledriver machines

7. Op VIII - Long boom cranes, including jibs, and on piledriver machines

8. Op IX - Long boom cranes, including jibs, and on piledriver machines

9. Op X - Long boom cranes, including jibs, and on piledriver machines

10. Op XI - Long boom cranes, including jibs, and on piledriver machines

11. Op XII - Long boom cranes, including jibs, and on piledriver machines

12. Op XIII - Long boom cranes, including jibs, and on piledriver machines

13. Op XIV - Long boom cranes, including jibs, and on piledriver machines

14. Op XV - Long boom cranes, including jibs, and on piledriver machines

15. Op XVI - Long boom cranes, including jibs, and on piledriver machines

16. Op XVII - Long boom cranes, including jibs, and on piledriver machines

17. Op XVIII - Long boom cranes, including jibs, and on piledriver machines

18. Op XIX - Long boom cranes, including jibs, and on piledriver machines

19. Op XX - Long boom cranes, including jibs, and on piledriver machines

20. Op XXI - Long boom cranes, including jibs, and on piledriver machines

21. Op XXII - Long boom cranes, including jibs, and on piledriver machines

22. Op XXIII - Long boom cranes, including jibs, and on piledriver machines

23. Op XXIV - Long boom cranes, including jibs, and on piledriver machines

24. Op XXV - Long boom cranes, including jibs, and on piledriver machines

25. Op XXVI - Long boom cranes, including jibs, and on piledriver machines

26. Op XXVII - Long boom cranes, including jibs, and on piledriver machines

27. Op XXVIII - Long boom cranes, including jibs, and on piledriver machines

28. Op XXIX - Long boom cranes, including jibs, and on piledriver machines

29. Op XXX - Long boom cranes, including jibs, and on piledriver machines

30. Op XXXI - Long boom cranes, including jibs, and on piledriver machines

31. Op XXXII - Long boom cranes, including jibs, and on piledriver machines

32. Op XXXIII - Long boom cranes, including jibs, and on piledriver machines

33. Op XXXIV - Long boom cranes, including jibs, and on piledriver machines

34. Op XXXV - Long boom cranes, including jibs, and on piledriver machines

35. Op XXXVI - Long boom cranes, including jibs, and on piledriver machines

36. Op XXXVII - Long boom cranes, including jibs, and on piledriver machines

37. Op XXXVIII - Long boom cranes, including jibs, and on piledriver machines

38. Op XXXIX - Long boom cranes, including jibs, and on piledriver machines

39. Op XL - Long boom cranes, including jibs, and on piledriver machines

40. Op XLI - Long boom cranes, including jibs, and on piledriver machines

41. Op XLII - Long boom cranes, including jibs, and on piledriver machines

42. Op XLIII - Long boom cranes, including jibs, and on piledriver machines

43. Op XLIV - Long boom cranes, including jibs, and on piledriver machines

44. Op XLV - Long boom cranes, including jibs, and on piledriver machines

45. Op XLVI - Long boom cranes, including jibs, and on piledriver machines

46. Op XLVII - Long boom cranes, including jibs, and on piledriver machines

47. Op XLVIII - Long boom cranes, including jibs, and on piledriver machines

48. Op XLIX - Long boom cranes, including jibs, and on piledriver machines

49. Op L - Long boom cranes, including jibs, and on piledriver machines

50. Op LI - Long boom cranes, including jibs, and on piledriver machines

51. Op LII - Long boom cranes, including jibs, and on piledriver machines

52. Op LIII - Long boom cranes, including jibs, and on piledriver machines

53. Op LIV - Long boom cranes, including jibs, and on piledriver machines

54. Op LV - Long boom cranes, including jibs, and on piledriver machines

55. Op LVI - Long boom cranes, including jibs, and on piledriver machines

56. Op LVII - Long boom cranes, including jibs, and on piledriver machines

57. Op LVIII - Long boom cranes, including jibs, and on piledriver machines

58. Op LIX - Long boom cranes, including jibs, and on piledriver machines

59. Op LX - Long boom cranes, including jibs, and on piledriver machines

60. Op LXI - Long boom cranes, including jibs, and on piledriver machines

61. Op LXII - Long boom cranes, including jibs, and on piledriver machines

62. Op LXIII - Long boom cranes, including jibs, and on piledriver machines

63. Op LXIV - Long boom cranes, including jibs, and on piledriver machines

64. Op LXV - Long boom cranes, including jibs, and on piledriver machines

SUPERSIDES DECISION

STATE: MARYLAND
 COUNTY: ANNE ARUNDEL
 DECISION NO.: MD76-3274
 DATE: DATE OF PUBLICATION
 Supersides Decision No. MD76-3227 dated July 30, 1976 in 41 FR 32146.
 DESCRIPTION OF WORK: BUILDING CONSTRUCTION (excluding single family houses and garden type apartments up to and including 4-stories) and Heavy Construction (excluding sewer and water lines).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	\$ 8.95	.70	.85		.02
BOILERMAKERS	9.40	.60	.90		.02
BRICKLAYERS:					
From Laurel to Bodkin Point incl., Ft. Meade but excluding the D. C. Training School	10.15	.40	.60		.07
Reminder of County	10.90	.75	.65	f	.10
CARPENTERS:					
All areas north of a line starting at Priest Bridge and continuing northeast to Benfield, Pasadena, Arming and Fort Smallwood	9.80	.75	.69		.05
Reminder of County	10.00	.65	.53		.07
CEMENT MASONS:					
North of and including Benfield, Arming and Pasadena but excluding the D. C. Training School	10.02	.60	.55		
The D. C. Training School	10.04	.685	.50		.11
Reminder of County	8.95	.25		f	
ELECTRICIANS	10.00	.60	18+.70		1/8
ELEVATOR CONSTRUCTORS	10.415	.545	.35	38+8b	.02
ELEVATOR CONSTRUCTORS' HELPERS	7.29	.545	.35	38+8b	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROBATIONARY)	5.21				
GLAZIERS:					
Glaziers	7.90	.25	.40		
Swing scaffold or boson chair	8.15	.25	.40		
IRONWORKERS:					
Structural, ornamental, rodmen, finishers, pre-cast & prestress erectors	9.77	.80	1.53		.06
Sheeters	10.02	.80	1.53		.06
LABORERS, BUILDING:					
Unskilled	7.00	.30	.50		.075
Hod carriers, gunnite nozzle	7.40	.30	.50		.075
Plasterers' laborers	7.15	.30	.50		.075
Power tool operator	7.10	.30	.50		.075
Pipelayers (concrete & clay)	7.20	.30	.50		.075
Wagon Drill Operator	7.15	.30	.50		.075
Mason Tenders	7.25	.30	.50		.075
Scaffold builders and burners (demolition)	7.50	.30	.50		.075

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS, HEAVY:					
Laborers	6.10	.30	.50		.075
Power tool operator	6.20	.30	.50		.075
Pipelayers, Wagon Drill Operator					
Air Track Driller, Burners (Demolition)	6.60	.30	.50		.075
LATHERS	9.59		.35	i	.01
LEAD BURNERS	10.50	.40	.25	c	.01
LINE CONSTRUCTION:					
Linenen, Cable Splicers	10.85	.45	18		1/8
Groundmen (experienced)	6.84	.45	18		1/8
MARBLE SETTERS:					
From Laurel to Bodkin Point incl., Ft. Meade but excluding the D. C. Training School	10.15	.40	.50	f	.07
Reminder of County	8.95	.25			
MILLWRIGHTS:					
All areas north of a line strating at Priest Bridge & continuing northeast to Benfield, Pasadena, Arming & Ft. Smallwood	9.90	.75	.69		.05
Reminder of County	10.46	.65	.53		.07
PAINTERS:					
Brush	9.20	.85	.50		.06
Structural steel, spray (steel) steamcleaning & sandblasting	9.70	.85	.50		.06
Spackling, taping & wall coverings	9.35	.85	.50		.06
Spray (except steel)	9.45	.85	.50		.06
PILEDRIVMEN:					
All areas north of a line starting At Priest Bridge and continuing northeast to Benfield, Pasadena, Arming and Fort Smallwood	9.80	.75	.69		.05
Reminder of County	10.21	.65	.53		.07

DECISION NO. MD76-3274	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
TILE SETTERS FINISHERS: The D. C. Training School Remainder of County	\$ 8.05 6.625	.40 .35	.40 .20		
TRUCK DRIVERS: Goose-necks, drop frame trailers	9.20	.80	.60	dte	
All A-Frame, winch trucks, fork lifts and trailers	9.00	.80	.60	dte	
Flat beds and pick-ups	8.00	.80	.60	dte	
Helpers	7.65	.80	.60	dte	
Mixers with agitator of 12 yds., capacity	7.65	.80	.60	dte	

DECISION NO. MD76-3274	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
PLASTERERS: The D. C. Training School Remainder of County	\$ 9.80 8.95 10.93	.45 .60 .50	.25 .40 .45	f	.06 .10
PLUMBERS: Roofers, damp & waterproofers Slate, tile, asbestos & asphalt Precast & wood block	7.90 8.35 8.90 10.12	.35 .35 .35 .75	.40 .40 .40 .70		.05 .05 .05 .05
SHEET METAL WORKERS: SOFT FLOOR LAYERS: All areas north of a line start- ing at Priest Bridge & con- tinuing northeast to Benfield, Pasadena, Arming and Fort Smallwood	9.80 9.55 11.06 10.93	.75 .50 .60 .45	.69 .49 .90 .60		.05 .07 .08 .12
SPRINKLER FITTERS STEAMFITTERS STONE MASONS: From Bodkin Point including Fort Meade but excluding the D. C. Training School Remainder of County	9.80 8.95	.40 .25	.75	f	.07
TERRAZZO WORKERS: Northern part of County from Laurel to Bodkin Point incl., Ft. Meade but excluding the D. C. Training School The D. C. Training School Remainder of County	8.41 9.93 8.95	.40 .50 .25	.50 .40		.04
TERRAZZO WORKERS FINISHERS: The D. C. Training School Remainder of County	8.05 6.625	.40 .35	.40 .20		
TILE SETTERS: Northern part of County from Laurel to Bodkin Point incl., Ft. Meade but excluding the D. C. Training School The D. C. Training School Remainder of County	8.41 9.93 8.95	.40 .50 .25	.50 .40	f	.04

DECISION NO. MD76-3274

POWER EQUIPMENT OPERATORS
Building and Heavy Construction

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Group 1	\$10.35	.75	.75	a	.10
Group 2:	9.85	.75	.75	a	.10
Group 3	9.30	.75	.75	a	.10
Group 4	8.85	.75	.75	a	.10
Group 5	7.85	.75	.75	a	.10
Group 6:					
a	10.25	.75	.75	a	.10
b	10.45	.75	.75	a	.10
c	10.65	.75	.75	a	.10
d	10.85	.75	.75	a	.10
e	11.10	.75	.75	a	.10

FOOTNOTE:

a. Paid Holidays - New Year's Day;
B-Memorial Day; C-Independence
Day; D-Labor Day; E-Thanksgiving
Day; F-Christmas Day.

Group 1: Operators handling or setting steel, stone, prestressed concrete or machinery. Tower Cranes.

Group 2: Backfiller, backhoe, batching plants, boat captain, cableway, Case type hoe (with a front end bucket over 1 1/2 yds.), concrete mixing plants, concrete paver, derrick boat, double concrete pump, dragline, Emco type overhead loader, elevating grader, excavating scoop (25 yds. and over), front end loader (1-3/4 yds. and over), gradall, grader, hoist (2 active drums or more), multiple conveyor, pile driving machine, power shovel, repair mechanic, shield, standard gauge locomotive, trenching machine, tunnel mucking machine, twin engine scraper, welder, whittley rig.

Group 3: Asphalt spreader, bulldozer, bull float, crane type backhoe (with a front end bucket 1 1/2 yds. and under), concrete mixer (with skip), Concrete pump, concrete spreader, excavating scoop (under 25 yds.), finishing machine, front end tractor loader (under 1-3/4 yds.), Hi-lift fork lift, longitudinal float, narrow gauge locomotive, one drum hoist, power roller, screeding machine, stone crusher, stone sprayer, sub-grader, tractor with attachments (2 or more provided both attachments are being used).

DECISION NO. MD76-3274

Truck Drivers (cont'd):

Mixers with agitator over 12 yds., capacity

Euclid wagons and dumpsters

Dump trucks

Truck Drivers (Excavation):

Dump trucks

Euclids wagon and dumpster

Drop frame, goose neck & trailer

Pick-up

Helpers

Welders - receive rates prescribed for craft performing operation to which welding is incidental.

PAID HOLIDAYS (Where Applicable):

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day;

E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

- Holidays: A through F.
- Employer contributes 4% of basic hourly rate for 5 years or more of service or 2% of basic hourly rate for 6 months to 5 years of service as vacation pay credit.
- Holidays: A through F plus Washington's Birthday, Good Friday and Christmas Eve, provided employee has worked at least 30 full days during the 90 calendar days prior to the holiday and the regular scheduled work days immediately preceding and following the holiday.
- Employee with one year of service - 1 week's paid vacation; 2 years of service - 2 weeks paid vacation; 10 years of service - 3 weeks paid vacation, provided the employee has worked 125 days in the previous contract year.
- Holidays: A through F plus the employee's birthday, the day after and has been available for work during the holiday week.
- Employees working X-Mas Eve shall work 4 hours and receive 8 hours pay.
- Employee with 1 year of service - 1 week's paid vacation; 2 years of service - 2 weeks paid vacation; 10 years of service - 3 weeks paid vacation, provided the employee has worked 100 days in the contract year.
- Holidays: A through F plus Good Friday, Employee's birthday and Christmas Eve, provided the employee has worked one day and was available for work during the holiday week.
- Employee working Christmas Eve shall worked 4 hours and receive 8 hour pay.

DECISION NO. MM76-3274POWER EQUIPMENT OPERATORS
(Building and Heavy Construction)

Group 4: Caterpillar type tractor, compressors, elevator operator, firemen, fuel truck, grease truck, grout pump, light plant, midget mixer with compressor, single conveyor, space heaters, welding machines, well-drill, well point system.

Group 5: Deck hands, oilers (all types)

Group 6: Long boom cranes, including jibs and on piledriver machines with leads: when working with piledrivermen or ironworker

Group 6a: 130" to 169"

Group 6b: 170' to 209'

Group 6c: 210' to 249'

Group 6d: 250' to 299'

Group 6e: 300' and over

SUPERSEDEAS DECISION

STATE: Maryland

COUNTIES: Allegany And Garrett

DECISION NO.: 76-MD-3275
 Supersedeas Decision No. 76-MD-3216 dated July 30, 1976 in 41 32132
 DESCRIPTION OF WORK: Building Construction (excluding single family houses and garden type apartments up to and including 4 stories)

DATE: Date of Publication

DECISION NO. 76-MD-3275

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
Asbestos Workers	.60	.70			.02
Boilermakers	.60	.90			
Bricklayers	.45	.40			.02
Carpenters	.45	.25			
Cement Masons	.45				
Electricians:					
Allegany County	.50	1 1/4-.25			1%
Garrett County	.50	1 1/4-.25			1%
Elevator Constructors	.495	.32	4%+a+b		.02
Elevator Constructors' Helpers	.495	.32	4%+a+b		.02
(Probationary)					
Ironworkers:					
Structural, Ornamental and Reinforcing	.60	.90			
Labors:					
Unskilled, landscape worker	.40	.60			
Power tool oper., mason & plasterer tender, mortar mixer (by hand), scaffold builder, hod carrier, concrete puddler, rammer & pipelayer	.40	.60			
Mortar mixer (machine)	.40	.60			
Blaster-dynamite, wagon drill (air track)	.40	.60			
Lathers	.40	.35			.01
Linenmen - Allegany County:					
Linenmen	.50	1 1/4-.25			1%
Equipment Operator	.50	1 1/4-.25			1%
Truck driver, groundmen (experienced)	.50	1 1/4-.25			1%
Groundman (1st year)	.50	1 1/4-.25			1%
Linenmen - Garrett County:					
Linenmen	.50	1 1/4-.25			1%
Equipment Operator	.50	1 1/4-.25			1%
Truck driver, groundmen (experienced)	.50	1 1/4-.25			1%
Groundmen (1st year)	.50	1 1/4-.25			1%
Marble Masons	.45	.25			.02
Millwrights					

DECISION NO. 76-MD-3275

BUILDING CONSTRUCTION

POWER EQUIPMENT OPERATORS

GROUP 1
Hourly additional pay for long boom cranes (including jibs), pile driver machines with leads:
130' to 169' plus \$.40
170' to 209' ".60
210' to 249' ".80
250' to 299' 1.00
300' and over 1.25

GROUP 2
GROUP 3
GROUP 4
GROUP 5
GROUP 6

1-MD-PED-1-I

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
	H & W	Pensions	Vacation	
\$ 9.38	.75	.75		.10
8.95	.75	.75		.10
8.61	.75	.75		.10
8.37	.75	.75		.10
8.25	.75	.75		.10
7.90	.75	.75		.10

CLASSIFICATIONS

GROUP 1 - Backfiller, backhoe, concrete mixing plants, batching plants, cable way, derrick, derrick boat, dragline, elevating grader, compressors (2 or more), spec heavers, hoist (2 active drums or more), pile driving machine, power crane, power shovel, standard gauge locomotive, trenching machine, tunnel mucking machine, whirley rig, certified welders, concrete paver, double concrete pump, front end loader (over 2 yds.), over 4 welders top scale (more than 6, another man), Emco type overhead loader, wellpoint system, mighty midjet with compressor, twin engine scraper (25 yds. end over), mechanic, mechanic's welder, grader

GROUP 2 - Tractor with attachments (2 or more)

GROUP 3 - Concrete mixer, concrete pump, one drum hoist, narrow gauge locomotive, power roller, asphalt spreader, pumps (not exceeding 4), well drill, engine driven welders (not exceeding 4), single compressors (over 210 C.F.M.), steam hammer, pile extractor, conveyor, stone crusher, hi-lift, front end loader (up to and including 2 yds.), bulldozer, excavating scoop

GROUP 4 - Finishing machine, bull float, longitudinal float, screening machine, concrete spreader, sub grader

GROUP 5 - Fireman, truck crane oiler, wheel tractor, grease truck operator

GROUP 6 - Oiler, greaser, mechanic's helper, single compressor (up to 210 C.F.M.)

DECISION NO. 76-MD-3275

BUILDING CONSTRUCTION:

1-MD-TD-1-A 1 of 1

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
	H & W	Pensions	Vacation	
\$ 7.56	.60	.70		
7.71	.60	.70		
7.91	.60	.70		
8.10	.60	.70		
8.34	.60	.70		

TRUCK DRIVERS

GROUP 1
GROUP 2
GROUP 3
GROUP 4
GROUP 5

CLASSIFICATIONS

GROUP 1 - Dumpmen and Flagmen

GROUP 2 - Pick-ups, dumps (under 5 yds., capacity), straight trucks

GROUP 3 - Helpers, panel trucks, straight trucks with multiple axle, dumpsters (under 5 yds., capacity), transit mix, dumps (5 to 9 yd., capacity), flatbody material trucks (straight jobs), greasers, tiremen, mechanics' helpers, rubber-tired (towing & pushing flatbody vehicles), form trucks

GROUP 4 - Dump trucks (10 to 15 yds., capacity)

GROUP 5 - Dump trucks (over 15 yds., capacity), bottom and end dump euclids, all other euclid type trucks, turnarockers, ross carriers, atkey wagons, A-frames, mechanics, semi-trailers or tractor-trailers, low boys, asphalt distributors, agitator mixer, dumpcetes or batch trucks, specialized earth moving equipment, off-highway tandem back-dump, twin engine equipment and double hitched equipment (where not self-loaded)

SUPERSEDES DECISION

STATE: Maryland
 DECISION NO: 76-MD-3276
 SUPERSEDES DECISION NO. 76-MD-3217, dated July 30, 1976 in 41 FR 32134
 DESCRIPTION OF WORK: Heavy and Highway Construction.

COUNTRIES: Allegany and Garrett

DATE: Date of Publication

DATE: Date of Publication

DATE: Date of Publication

DESCRIPTION OF WORK: Heavy and Highway Construction.

HEAVY & HIGHWAY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
		H & W	Pensions	Vacation	
Bricklayers	\$ 9.97		.40		.02
Carpenters	9.79	.45	.25		
Cement masons	9.80	.45	124.25		14
Electricians - Allegany Co.	10.15	.50	124.25		14
Electricians - Garrett Co.	10.53	.50			
Ironworkers:					
Structural & reinforcing	9.84	.60	.90		
Laborers:					
Laborers unskilled & dumpman	6.99	.40	.60		
Power tool operator, mason & plasterer's tender, mortar mixers by hand, scaffold bldrs. hod carriers, concrete puddler, pipe layers, ramers	7.11	.40	.60		
Mortar mixers by machine	7.18	.40	.60		
Blasters (dynamite), wagon drill	7.29	.40	.60		
Barco tamper	7.25	.40	.60		
Tunnel workers:					
Caisson, driller, mucker	7.81	.40	.60		
Unskilled laborer	7.45	.40	.60		
Gunite workers:					
Nozzlemen, gun operator	7.29	.40	.60		
Laborers on scaffold	7.11	.40	.60		
Laborers on ground	6.99	.40	.60		
Piledrivermen	10.08	.45	.25		.02
Welders - receive rate prescribed for craft performing operation to which welding is incidental.					

HEAVY CONSTRUCTION

POWER EQUIPMENT OPERATORS

	Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
		H & W	Pensions	Vacation	
GROUP 1	\$ 9.25	.75	.75		.10
Hourly additional pay for long boom cranes (including jibs), pile driver machines with leads:					
130' to 169' plus \$.40					
170' to 209' " .60					
210' to 249' " .80					
250' to 299' " 1.00					
300' and over 1.25					
GROUP 2	8.83	.75	.75		.10
GROUP 3	8.49	.75	.75		.10
GROUP 4	8.25	.75	.75		.10
GROUP 5	8.17	.75	.75		.10
GROUP 6	7.78	.75	.75		.10

FOOTNOTE: a. 7 paid holidays - New Year's Day, Memorial Day, Independence Day, Labor Day, Veterans Day, Thanksgiving Day and Christmas Day.

CLASSIFICATIONS

GROUP 1 - Backfiller, backhoe, concrete mixing plants, batching plants, cable way, derrick, derrick boat, dragline, elevating grader, compressors (2 or more), space heaters, hoist (2 active drums or more), pile driving machine, power crane, power shovel, standard gauge locomotive, trenching machine, tunnel mucking machine, whirley rig, certified welders, concrete paver, double concrete pump, front end loader (over 2 yds.), over 4 welders top scale (more than 6, another man), eimco type overhead loader, wallpoint system, night midget with compressor, twin engine scraper (25 yds. and over), mechanic, mechanic's welder, grader

GROUP 2 - Tractor with attachments (2 or more)

GROUP 3 - Concrete mixer, concrete pump, one drum hoist, narrow gauge locomotive, power roller, asphalt spreader, pumps (not exceeding 4), well drill, engine driven welders (not exceeding 4), single compressors (over 210 c.f.m.), steam hammer, pile extractor, conveyor, stone crusher, hi-lift, front end loader (up to and including 2 yds.), bulldozer, excavating scoop

GROUP 4 - Finishing machine, bull float, longitudinal float, screeding machine, concrete spreader, sub grader

GROUP 5 - Fireman, truck crane oiler, wheel tractor, grease truck operator

GROUP 6 - Oiler, greaser, mechanic's helper, single compressor (up to 210 c.f.m.)

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HEAVY & HIGHWAY CONSTRUCTION

TRUCK DRIVERS

	Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
		H & W	Pensions	Vacation	
GROUP 1	\$ 7.44	.60	.70		
GROUP 2	7.59	.60	.70		
GROUP 3	7.79	.60	.70		
GROUP 4	7.99	.60	.70		
GROUP 5	8.22	.60	.70		

CLASSIFICATIONS

- GROUP 1 - Dumpmen and Flagmen
 GROUP 2 - Pick-ups, dumps (under 5 yds., capacity), straight trucks
 GROUP 3 - Helpers, panel trucks, straight trucks with multiple axle, dumpsters (under 5 yds., capacity), Transit mix, dumps (5 to 9 yd., capacity), flatbody material trucks (straight jobs), greasers, tiremen, mechanics' helpers, rubber-tired (towing & pushing flatbody vehicles), form trucks
 GROUP 4 - Dump trucks (10 to 15 yd., capacity)
 GROUP 5 - Dump trucks (over 15 yd., capacity), bottom and end dump euclids, all other euclid type trucks, turnarockers, ross carriers, atkey wagons, A-frames, mechanics, semi-trailers or tractor-trailers, low boys, asphalt distributors, agitator mixer, duncrates or batch trucks, specialized earth moving equipment, off-highway tandem back-dump, twin engine equipment and double hitched equipment (where not self-loaded)

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HIGHWAY CONSTRUCTION

POWER EQUIPMENT OPERATORS

	Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
		H & W	Pensions	Vacation	
GROUP 1 Hourly additional pay for long boom cranes (including jibs), pile driver machines with leads: 130' to 169' plus \$.40 170' to 209' " .60 210' to 249' " .80 250' to 299' 1.00 300' and over 1.25	\$ 9.07	.75	.75		.10
GROUP 2	8.61	.75	.75		.10
GROUP 3	8.31	.75	.75		.10
GROUP 4	8.08	.75	.75		.10
GROUP 5	7.86	.75	.75		.10
GROUP 6	7.61	.75	.75		.10

CLASSIFICATIONS

- GROUP 1 - Backfiller, backhoe, concrete mixing plants, batching plants, cable way, derrick, derrick boat, dragline, elevating grader, compressors (2 or more), space heaters, hoist (2 active drums or more), pile driving machine, power crane, power shovel, standard gauge locomotive, trenching machine, tunnel mucking machine, whirley rig, certified welders, concrete paver, double concrete pump, front end loader (over 2 yds.), over 4 welders top scale (more than 6 another man), elmcro type overhead loader, wellpoint system, midget midget with compressor, twin engine scraper (25 yds. and over), mechanic, mechanic's welder, grader
 GROUP 2 - Tractor with attachments (2 or more)
 GROUP 3 - Concrete mixer, concrete pump, one drum hoist, narrow gauge locomotive, power roller, asphalt spreader, pumps (not exceeding 4), well drill, engine drive welders (not exceeding 4), single compressors (over 210 c.f.m.), steam hammer, pile extractor, conveyor, stone crusher, hi-lift, front end loader (up to and including 2 yds.), bulldozer, excavating scoop
 GROUP 4 - Finishing machine, bull float, longitudinal float, screeding machine, concrete spreader, sub grader
 GROUP 5 - Fireman, truck crane oiler, wheel tractor, grease truck operator
 GROUP 6 - Oiler, greaser, mechanic's helper, single compressor (up to 210 c.f.m.)

SUPERSEDEAS DECISION

STATE: New Mexico
 DECISION NO.: NM 76-4181
 Supersedeas decision No. NM76-4141 dated August 6, 1976 in 41 FR 33166
 DESCRIPTION OF WORK: Highway, streets, roads, utilities, and light engineering construction consisting of construction of roads, highways, streets, alleys, sidewalks, guard rails, fences, parkways, parking areas, runways, bridge paths, athletic fields, (except structures), highway bridges, grade separation involving highways, earth dams under one million cubic yards, sewer and water lines and other utilities and work incidental thereto.)

COUNTY: Statewide

DATE: Date of Publication

DECISION NO. NM76-4181

Page 2

	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
CARPENTERS:						
Carpenters	\$5.07	.10	.20	.10	.04	
Power saw operator-saw filer	5.22	.10	.20	.10	.04	
Millwright & piledriver	5.32	.10	.20	.10	.04	
CEMENT MASONS	4.94	.26				
IRONWORKERS:						
Reinforcing	4.58	.25	.25			
Structural	7.99	.50	.75			
PAINTERS:						
Brush	4.57	.10	.20	.10	.04	
Spray	5.51	.10	.20	.10	.04	
LABORERS:						
Common laborer; carpenter tender; concrete buggy operator (hand); concrete workers	2.56	.20	.15			
Wagon, air track, drill and diamond drillers' tender (outside)	2.71	.20	.15			
Air & power tool man; asphalt raker; batching plant scaleman; tenderers (to cement masons and plasterer); chain sawman; concrete touch-up-man; concrete saw man; curbing machine; asphalt or cement; cutting torchman; metal form setter-road; grade setter; hod carrier; mortar mixer & mason tender; powderman or blaster helper; scaler; sandblaster helper; vibrator compactor (hand type); vibrator-man (hand type); concrete power buggyman; Gunite pumpcrete man & nozzle man; multiple setter	2.86	.20	.15			
Wagon; air track, drill and diamond driller (outside)	3.16	.20	.15			
Manhole builder	2.86	.20	.15			
Pipelayer	3.36	.20	.15			
Powderman-blaster-make up	3.31	.20	.15			

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
POWER EQUIPMENT OPERATORS:					
Concrete paving curing machine	\$4.74	.15	.10		.01
Concrete paving form grader; concrete paving gang vibrator; concrete paving joint or saw machine; concrete paving sub grader	5.52	.15	.10		.01
Belt type conveyors (material & concrete), Broom (self-propelled) fork lift, grease truck op.; head oiler, hydro lift, trac- tor (under 50 drawbar H.P. with attachment)	4.94	.15	.10		.01
Tractor with backhoe attachment	5.49	.15	.10		.01
Subgrade or base finisher	5.52	.15	.10		.01
Concrete slip-form paving machine	5.74	.15	.10		.01
Asphalt distributor, asphalt paving or lay down machine, asphalt retort heater, batch or continuous mix plant (concrete, soil-cement or asphalt), mixer, heavy duty, asphalt or soil cement, motor grader, tractor 50 drawbar H.P. or over)					
trenching machine, clam type shaft mucker	5.54	.15	.10		.01
Concrete paving finishing machine, concrete paving longi- tudinal float, gunnite machine, jumbo form or drilling stage slusher	5.74	.15	.10		.01
Concrete paver mixer, hoist (2 drums & over) side boom	5.69	.15	.10		.01
Derrick, cableway	6.12	.15	.10		.01
Traveling crane, piledriver	5.69	.15	.10		.01
Mine hoist & mucking machine	5.89	.15	.10		.01
Backhoe, clamshell, dragline, gradall, shovel:					
Under 3/4 cubic yard	5.54	.15	.10		.01
3/4 cubic yard	5.69	.15	.10		.01
Over 3 cubic yard	5.89	.15	.10		.01

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
POWER EQUIPMENT OPERATORS (CONT.)				
Bulldozer, elevating grader or belt loader, roller (steel-wheel), scraper operator	\$5.54	.10		.01
Bulldozer (multiple units)	5.69	.10		.01
scraper (multiple units)	5.74	.10		.01
Concrete paving spreader	5.74	.10		.01
Pumpcrete machine	5.54	.10		.01
Cranes (crawler or mobile):	5.69	.10		.01
Under 20 ton	5.89	.10		.01
20 ton to 40 ton				
Over 40 ton				
Air compressor (300 CFM & over); crushing screening & washing plants, drilling machine(cable core or rotary), mixer concrete (1 cy & less), pump (6" intake or over), winch truck, hoist (1 drum), industrial locomotive, motorman, lumber stacker	5.54	.10		.01
Front end loader:	4.94	.10		.01
1-1/2 cy or less	5.54	.10		.01
Over 1-1/2 cy to 5 cy	5.69	.10		.01
Over 6 cy				
Industrial locomotive brakeman:				
Tractor (under 50 drawbar HP without attachments), fireman oiler, screedman	4.94	.10		.01
Mechanic and/or welder	5.57	.10		.01
Mixery concrete (over 1 cy)	5.69	.10		.01
Grout pump operator	5.74	.10		.01
Power plant (electrical generator or welding machine)	5.49	.10		.01
Roller (pull type)	4.94	.10		.01
Mulching machine, roller (self-propelled)	4.94	.10		.01
Mile operator	7.19	.10		.01
Pipemobile operator	7.19	.10		.01
Belt loader (CMI type operator); pipemobile operator assistant	6.39	.10		.01

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
TRUCK DRIVERS:				
Distributor(asphalt)	\$3.99	.26		
Dumpster or dumptor	4.07	.26		
Dump or batch truck:				
Under 8 cy	3.78	.26		
8 cy and under 16 cy	3.88	.26		
16 cy and under 20 cy	4.02	.26		
20 cy and over	4.07	.26		
Diesel-powered transport (non-self-loading) 10 yds. and over	4.30	.26		
Flatbed:				
1-1/2 ton	3.78	.26		
Over 1-1/2 ton	3.93	.26		
Lumber carrier	3.81	.26		
Lowboy, heavy equipment	4.40	.26		
Lowboy, light equipment	4.02	.26		
Off-highway hauler	4.05	.26		
Pick-up truck 3/4 ton or under	3.63	.26		
Service station attendant	3.67	.26		
Spreader box	3.72	.26		
Spreader box (self-propelled)	3.96	.26		
Swamper or rider helper	3.59	.26		
Tank Truck:				
3,000 gal. or under	3.86	.26		
3,001 gal. to 6,000 gal.	3.96	.26		
6,001 gal. & over	4.06	.26		
Teamster, 2 or 4 or more	3.59	.26		
Trailer or semi-trailer dump	4.15	.26		
Transit mix	4.02	.26		
Warehousemen	3.77	.26		
LINE CONSTRUCTION (BERNALILLO CO.)				
Cable splicers	9.30	.40		1/2%
Linemen-Technicians	8.65	.40		1/2%
Equipment operators	8.23	.40		1/2%
Equipment mechanics-Powdermen	7.53	.40		1/2%
Groundmen & Jackhammer Operators:				
1st 6 months	4.53	.40		1/2%
2nd 6 months	5.16	.40		1/2%
Experienced	6.01	.40		1/2%

LINE CONSTRUCTION (STATEWIDE
EXCEPT BERNALILLO COUNTY):

Cable splicers
Linemen-Technicians
Equipment operators
Equipment mechanics
Powderman
Groundman & Jackhammer operators:
1st 6 months
2nd 6 months
Experienced

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
\$10.16	.40	1%		1/2%
9.47	.40	1%		1/2%
9.00	.40	1%		1/2%
8.23	.40	1%		1/2%
8.23	.40	1%		1/2%
4.96	.40	1%		1/2%
5.64	.40	1%		1/2%
6.61	.40	1%		1/2%

DECISION NO. NM76-4182

SUPERSSEAS DECISION

STATE: New Mexico
 COUNTY: Statewide
 DECISION NO. NM76-4182
 Supersseas Decision No. NM76-4144 dated September 3, 1976 in 41 FR 37493

DESCRIPTION OF WORK:

Commercial building and heavy engineering construction consisting of construction, modifications, addition, alterations or repairs on railroad construction projects, drainage project, aqueducts, irrigation projects, flood control projects, reclamation projects, reservoirs, water supply projects (exclusive of distribution lines and appurtenances and filtration plants), earth dams (over one million yards), concrete dams, dikes, levees, revetments, channels, channel cutoffs, intakes, dredging projects, jetties, breakwaters, docks, harbors, excavation and disposal by contract of overburden and the excavation and loading of all material from which the overburden has been removed, open-pit strip mining, viaducts, pedestrian tunnels, pipea, abutments and clearing and grubbing, incidental to such heavy construction projects (exclusive of such work in connection with highway, building and light engineering projects), subways, tunnels, shafts, missile silos and missile projects. (Except buildings underground), hydro-electric power plant projects and power plant facilities in their entirety (exclusive of steam plants), electric transmission lines, and including the operation, maintenance and repair of all land and floating plant, equipment, vehicles and other facilities used in connection with and serving the aforementioned work and serviced incidental to such projects (Also, including Residential construction in Santa Fe, McKinley, Bernalillo, Rio Arriba, Taos, Sandoval, San Juan Counties, but not on the Navajo Indian Reservation).

BRICKLAYERS' ZONE DEFINITIONS

ZONE I - Union, Harding, Santa Fe, Valencia, Torrence, Taos, Scorro, Mora, McKinley, Colfax, Catron, San Miguel, San Juan, Sandoval, Rio Arriba, Bernalillo and Los Alamos Counties.

From basing point of Albuquerque Main Post Office:

Zone I-A - 0 to 25 road miles

Zone I-B - 25 to 50 road miles

Zone I-C - Over 50 road miles

ZONE II - Chaves, Curry, Roosevelt, DeBaca, Guadalupe, Quay, Lea, Eddy, and Otero Counties

ZONE III - Lincoln County

ZONE IV - Dona Ana County

ZONE V - Luna County

ZONE VI - Grant County Communities of Silver City, Bayard, Central, Hurley and New town site of Tyrone; Hidalgo and Sierra Counties.

ZONE VII - Grant County, except communities listed in Zone VI.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GENERAL BUILDING AND HEAVY ENGINEERING CONSTRUCTION					
ASBESTOS WORKERS (Statewide, except Union, Harding, Lea, Curry, Roosevelt and Quay Counties)	\$9.81	.50	1.02a		.03
ASBESTOS WORKERS (Union, Harding, Lea, Roosevelt, Curry and Quay Counties)	9.50	.35	.30		.02
BOILERMAKERS	10.85	.65	1.00		.02
BRICKLAYERS-Stonemasons:					
Zone I-A	9.11	.57	.40		.02
Zone I-B	10.11	.57	.40		.02
Zone I-C	10.61	.57	.40		.02
Zone II	8.66	.48			
Zone III	9.16	.48			
Zone IV	7.34	.48			
Zone V	7.345	.48			
Zone VI	7.89	.48			
Zone VII	8.015	.48			

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GENERAL BUILDING AND HEAVY ENGINEERING CONSTRUCTION					
CARPENTERS:					
Dwelling houses & apartments not to exceed two stories in height:					
Zone I-A	\$7.50	.85	.90	.60	.20
Zone I-B	8.50	.85	.90	.60	.20
Zone I-C	9.25	.85	.90	.60	.20
General Building and Heavy Engineering and Residential Construction (Dwelling Houses and apartments over two stories in height):					
Zone 2-A	8.50	.85	.90	.60	.20
Zone 2-B	9.50	.85	.90	.60	.20
Zone 2-C	10.45	.85	.90	.60	.20

CARPENTERS' ZONE DEFINITIONS

CARPENTERS (STATEWIDE) - From nearest basing points of the following cities of towns: Alamogordo, Albuquerque, Artesia, Bayard, Belen, Carlsbad, Clovis, Deming, Espanola, Eunice, Farmington, Gallup, Grants, Hobbs, Las Cruces, Las Vegas, Lordsburg, Lovington, Portales, Raton, Roswell, Ruidoso, Santa Fe, Santa Rosa, Silver City, Socorro, Taos, and Tucumcari:

ZONE I - Dwelling houses & apartments not to exceed two stories in height:

Zone 1-A - 0 to 15 road miles from nearest basing point
 Zone 1-B - 15 to 35 road miles from nearest basing point
 Zone 1-C - Over 35 road miles from nearest basing point
 ZONE II - General Building & Heavy Engineering and Residential Construction (Dwelling Houses and Apartments over two stories in height):
 Zone 2-A - 0 to 15 road miles from nearest basing point
 Zone 2-B - 15 to 35 road miles from nearest basing point
 Zone 2-C - Over 35 road miles from nearest basing point

MILLWRIGHTS & PILEDRIVMEN:

Zone 1	9.00	.85	.90	.40	.20
Zone 2	10.00	.85	.90	.60	.20
Zone 3	10.75	.85	.90	.60	.20

MILLWRIGHTS & PILEDRIVMEN ZONE DEFINITIONS

BASING POINT - From Albuquerque City Limits:

Zone 1 - 0 to 15 road miles from basing point
 Zone 2 - 15 to 35 road miles from basing point
 Zone 3 - Over 35 road miles from basing point

CEMENT MASONS

Area I

Zone 1

Zone 2

Zone 3

Cement masons (Residential)

Cement masons (Heavy Engineering)

CEMENT MASONS:

Composition & Machine Operators

Area I

Zone 1

Zone 2

Zone 3

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
CEMENT MASONS					
Area I	\$8.02	.57	.45		
Area II					
Zone 1	8.02	.57	.45		
Zone 2	8.77	.57	.45		
Zone 3	9.02	.57	.45		
Cement masons (Residential)	5.00	.57	.45		
Cement masons (Heavy Engineering)	8.02	.57	.45		
CEMENT MASONS:					
Composition & Machine Operators					
Area I	8.27	.57	.45		
Area II					
Zone 1	8.27	.57	.45		
Zone 2	8.92	.57	.45		
Zone 3	9.27	.57	.45		

CEMENT MASONS AREA DEFINITIONS

AREA I - Statewide except Farmington, San Juan County

AREA II - Farmington, San Juan County

Zone I - 0-15 miles from Farmington City Hall

Zone II - 15-35 miles from Farmington City Hall

Zone III - 35 miles and over from Farmington City Hall

ELECTRICIANS:

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.		
		H & W	Pensions	Vacation			
ZONE I							
Area 1							
1-A	9.90	.40	1%+.70		1/2%		
1-B	10.59	.40	1%+.70		1/2%		
1-C	11.19	.40	1%+.70		1/2%		
1-D	11.88	.40	1%+.70		1/2%		
Area 2							
2-A	8.80	.40	1%+.70		1/2%		
2-B	9.42	.40	1%+.70		1/2%		
2-C	9.94	.40	1%+.70		1/2%		
2-D	10.56	.40	1%+.70		1/2%		
ZONE II	11.19	.40	1%+.70		1/2%		
ZONE III							
3-A	8.85	.30	1%		1/2%		
3-B	10.30	.30	1%		1/2%		
ZONE IV							
4-A	9.45	.40	1%		.01		
4-B	9.80	.40	1%		.01		
4-C	9.95	.40	1%		.01		
4-D	10.20	.40	1%		.01		

CABLE SPLICERS:

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.		
		H & W	Pensions	Vacation			
ZONE I							
Area 1							
1-A	10.89	.40	1%+.70		1/2%		
1-B	11.58	.40	1%+.70		1/2%		
1-C	12.18	.40	1%+.70		1/2%		
1-D	12.87	.40	1%+.70		1/2%		
Area 2							
2-A	9.68	.40	1%+.70		1/2%		
2-B	10.30	.40	1%+.70		1/2%		
2-C	10.82	.40	1%+.70		1/2%		
2-D	11.44	.40	1%+.70		1/2%		
ZONE II	12.18	.40	1%+.70		1/2%		
ZONE III							
3-A	9.10	.30	1%		1/2%		
3-B	10.55	.30	1%		1/2%		
ZONE IV							
4-A	9.80	.40	1%		.01		
4-B	10.15	.40	1%		.01		
4-C	10.30	.40	1%		.01		
4-D	10.55	.40	1%		.01		

ELECTRICIANS-CABLE SPLICERS ZONE DEFINITIONS

ZONE I

AREA 1 - Bernalillo, Santa Fe, Torrance, DeBaca, Guadalupe, Quay, San Miguel, Mora, Harding, Union, Colfax, Taos, Rio Arriba, Grant, Sandoval, Valencia, Socorro, Catron, McKinley, Sierra and all of San Juan County excluding the Navajo Indian Reservation.

AREA 2 - Chaves, Curry, Lincoln and Roosevelt Counties

AREAS 1-A & 2-A

From nearest basing point cities, towns and mileage from main post office in the following towns:

Albuquerque - 15 miles from main post office
 Santa Fe - 15 miles from main post office
 Las Vegas - 8 miles from main post office
 Farmington - 8 miles from main post office
 Raton - 6 miles from main post office
 Tucuman - 6 miles from main post office
 Aztec - 6 miles from main post office
 Roswell - 12 miles from main post office
 Ruidoso - 12 miles from main post office
 Portales - 12 miles from main post office
 Carrizozo - 12 miles from main post office
 Clovis - 12 miles from main post office
 Gallup - 10 miles from main post office
 *Pojoaque - 2 miles from main post office

*All areas adjacent to Pojoaque that are over two (2) miles distant from the main post office in that town will be zoned out of Santa Fe.

AREAS 1-B & 2-B

Area 1-B and 2-B extending up to 20 miles beyond Area 1-A & 2-A

AREAS 1-C & 2-C

Area 1-C & 2-C extending up to 30 miles beyond Area 1-A & 2-A

AREAS 1-D & 2-D

Area 1-D & 2-D anything beyond 30 miles from Area 1-A & 2-A

ZONE II - Los Alamos County

Zone III - Dona Ana, Otero, Luna, Hidalgo Counties

Zone 3-A - Within 5 mile radius from the post office in Las Cruces and Alamogordo

Zone 3-B - Dona Ana, Otero, Luna, and Hidalgo Counties (except that area specified in Zone 3-A)

ZONE IV - Eddy and Lea Counties - the following zones shall be designated from the main post office of Artesia, Carlsbad, Hobbs and Lovington:

Zone 4-A - 0 to 12 miles from main post office
 Zone 4-B - 12 to 22 miles from main post office
 Zone 4-C - 22 to 40 miles beyond main post office
 Zone 4-D - 40 miles and beyond main post office

GENERAL BUILDING CONSTRUCTION
AND HEAVY ENGINEERING CONSTRUCTION

ELEVATOR CONSTRUCTORS:

Bernalillo, Catron, Colfax,
 Curry, DeBaca, Guadalupe,
 Harding, Lincoln, Los Alamos,
 McKinley, Mora, Quay, Rio Arriba,
 Roosevelt, Sandoval, San Juan,
 San Miguel, Santa Fe, Socorro,
 Taos, Torrance, Union and
 Valencia Counties:

Elevator constructors
 Elevator constructors helper
 Elevator constructors prob.
 Chaves, Hidalgo, Dona Ana, Eddy
 Grant, Lea, Luna, Otero and
 Sierra Counties:

Elevator constructors
 Elevator constructors helper
 Elevator constructors prob.

GLAZIERS:

Zone I

Zone II

GLAZIERS' ZONE DEFINITIONS

GLAZIERS

Zone I - Dona Ana, Luna, Otero and Quay Counties

Zone II - Catron, Chaves, Colfax, Curry, DeBaca, Eddy, Grant, Guadalupe, Harding, Hidalgo, Lea, Lincoln, Los Alamos, McKinley, Mora, Rio Arriba, Roosevelt, Sandoval, San Juan, San Miguel, Santa Fe, Sierra, Socorro, Taos, Torrance, Union and Valencia Counties.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELEVATOR CONSTRUCTORS:					
Bernalillo, Catron, Colfax,					
Curry, DeBaca, Guadalupe,					
Harding, Lincoln, Los Alamos,					
McKinley, Mora, Quay, Rio Arriba,					
Roosevelt, Sandoval, San Juan,					
San Miguel, Santa Fe, Socorro,					
Taos, Torrance, Union and					
Valencia Counties:					
Elevator constructors	\$ 10.42	.545	.35	4% +ab	.02
Elevator constructors helper	70%JR	.545	.35	4% +ab	.02
Elevator constructors prob.	50%JR				
Chaves, Hidalgo, Dona Ana, Eddy					
Grant, Lea, Luna, Otero and					
Sierra Counties:					
Elevator constructors	8.17	.545	.35	4% +ab	.02
Elevator constructors helper	70%JR	.545	.35	4% +ab	.02
Elevator constructors prob.	50%JR				
GLAZIERS:					
Zone I	6.59	.30	.10		.02
Zone II	7.34	.35	.20		.02
GLAZIERS' ZONE DEFINITIONS					
GLAZIERS					
Zone I - Dona Ana, Luna, Otero and Quay Counties					
Zone II - Catron, Chaves, Colfax, Curry, DeBaca, Eddy, Grant, Guadalupe, Harding, Hidalgo, Lea, Lincoln, Los Alamos, McKinley, Mora, Rio Arriba, Roosevelt, Sandoval, San Juan, San Miguel, Santa Fe, Sierra, Socorro, Taos, Torrance, Union and Valencia Counties.					
IRONWORKERS:					
ZONE I - Area I	\$ 9.85	.55	1.00		.14
ZONE I - Area II					
Zone 1	9.85	.55	1.00		.14
Zone 2	10.60	.55	1.00		.14
Zone 3	11.35	.55	1.00		.14
Zone 4	11.60	.55	1.00		.14
ZONE II	9.23	.55	1.00		.10
ZONE III	10.23	.55	1.00		.10

IRONWORKERS ZONE DEFINITIONSZONE I

AREA I - Bernalillo, Catron, Colfax, DeBaca, Guadalupe, Lincoln, Los Alamos, McKinley, Mora, Rio Arriba, Sandoval, Santa Fe, Socorro, Taos, Torrance and Valencia Counties

ZONE II

AREA II - Farmington, San Juan County

Zone 1 - Shall extend a distance of 6 road miles inclusive beyond the City Hall.

Zone 2 - Shall extend a distance of 8 road miles inclusive beyond the outer perimeter of zone 1.

Zone 3 - Shall extend a distance of 10 road miles inclusive beyond the outer limits of zone 2.

Zone 4 - Shall extend a distance of 27 road miles inclusive beyond the outer limits of zone 3.

All areas not within Zones 1, 2, 3, and 4 shall revert to the \$15.00 per day subsistence rate.

ZONE III

Dona Ana county with the exception of that portion of the county that lies within the White Sands Missile Range; Chaves County, Eddy County except the Potosi Basin and defined as the area 10 road miles on Highway 62 and Highway 180, east of Carlsbad.

ZONE IV

Curry, Harding, Quay, Union, Hidalgo, Grant, Lea, Luna, Otero and Sierra Counties; also Potosi Basin, White Sands and McGregor Missile Ranges.

LABORERS:
GENERAL BUILDING, HEAVY
ENGINEERING CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
Group I	\$ 6.11	.43	.50		.05
Group II	6.41	.43	.50		.05
Group III	6.41	.43	.50		.05
Group IV	6.71	.43	.50		.05
Group V	6.86	.43	.50		.05

LABORERS' CLASSIFICATION DEFINITIONS

GROUP I - UNSKILLED: Building and Common Laborers, Carpenter tenders, Concrete workers, Chainmen-stakedrivers, Concrete buggy operators, hand

GROUP II - SEMI-SKILLED: Air and power tool operator, Asphalt rakers, Demolition, Gunite rebound men, Fog Machine Operator, Power Buggy Operators, Rodmen, Sand blasters (pot men), Nozzlemen, wagon core, rod & chainmen, cutting torch operators; and diamond drillers tender outside.

GROUP III - Wagon Core, Diamond Drillers

GROUP IV - Concrete Burner, Cement mason tenders, Hodcarriers, Mortar mixers, Plaster spreader operators, Plaster tenders, Gunite nozzlemen, Pipe layer, Pumpcrete nozzlemen

GROUP V - Powdermen and Blasters

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
<u>LABORERS (RESIDENTIAL CONSTRUCTION)</u>					
Group I	\$5.57	.43	.50		.05
Group II	5.87	.43	.50		.05
Group III	5.87	.43	.50		.05
Group IV	6.17	.43	.50		.05

LINE CONSTRUCTION:		
BERNALILLO COUNTY ONLY		
Cable splicers	9.30	.40
Linemen - Technicians	8.65	.40
Equipment Operators	8.23	.40
Equipment Mechanics	7.53	.40
Powderman	7.53	.40
Groundmen and Jackhammer Oprs.:		
1st 6 months	4.53	.40
2nd 6 months	5.16	.40
Experienced	6.01	.40
LINE CONSTRUCTION:		
STATEWIDE (Except Bernalillo Co.)		
Cable splicers	10.16	.40
Linemen - Technicians	9.47	.40
Equipment Operators	9.00	.40
Equipment Mechanics	8.23	.40
Powdermen	8.23	.40
Groundmen and Jackhammer Oprs.:		
1st 6 months	4.96	.40
2nd 6 months	5.64	.40
Experienced	6.61	.40
MARBLE, TILE & TERRAZZO WORKERS	7.645	.48
MARBLE, TILE & TERRAZZO HELPERS	6.07	.48

FEDERAL REGISTER, VOL. 41, NO. 220—FRIDAY, NOVEMBER 12, 1976

PAINTERS

ZONE I - San Juan, McKinley, Bernalillo, Torrance, Guadalupe, Quay, Catron, Socorro, Lincoln, Delaca, Roosevelt, Chaves, Valencia, Sierra, Grant, Hidalgo and Curry Counties:

Zone 1-A - Painters, roller and hand textures
 Zone 1-B - Painters, spray, sandblasting, painter on steel bridges, tanks towers, pipe and structural
 Zone 1-C - Paperhanger
 Zone 1-D - Drywall finisher; Ames tool operator
 Zone 1-E - Hand finisher machine texture

ZONE II - Colfax, Harding, Los Alamos, Mora, Sandoval, San Miguel, Rio, Arriba, Taos, Union, and Santa Fe Counties:

Zone 2-A - Painters and roller
 Zone 2-B - Paperhangers
 Zone 2-C - Spray, sandblast, steel, special coating applicator
 Zone 2-D - Vinyl hangers
 Zone 2-E - Drywall finisher tool and machine texture
 Zone 2-F - Hand texture
 Zone 2-G - Hand finishers

ZONE III - Luna, Otero and Dona Ana Counties

Zone 3-A - Brush, tapers and rollers
 Zone 3-B - Spray, sandblasting
 Zone 3-C - Ames tool and steel brush after erection
 Zone 3-D - Stripping machine
 Zone 3-E - Radio towers, water tanks, smoke stacks
 Zone 3-F - Radio towers, water tanks, smoke stacks 50 to 75 feet
 Zone 3-G - Radio towers, water tanks, smoke stacks 75 feet to 100 feet
 Zone 3-H - Radio towers, water tanks, smoke stacks 100 feet to 200 feet
 Zone 3-I - Radio towers, water tanks, smoke stacks 200 feet to 300 feet
 Zone 3-J - Radio towers, water tanks, smoke stacks 300 feet to 400 feet
 Zone IV - Lea and Eddy Counties shall encompass Carlsbad, New Mexico and an area within a radius of 40 miles from the courthouse in Carlsbad, New Mexico

Zone 4-A - Brush and roller
 Zone 4-B - Paperhangers and sandblaster
 Zone 4-C - Spray and dry wall finisher

ZONE V - Lea and Eddy Counties shall include the rest of the area in Eddy and Lea Counties
 Zone 5-A - Brush, roller and drywall finisher
 Zone 5-B - Spray
 Zone 5-C - Paperhanger and sandblaster

ZONE VI - (Residential Construction in Sandoval, Rio Arriba and Taos Counties)

Zone 6-A - Brush & roller
 Zone 6-B - Spray, parking lot striping
 Zone 6-C - Paperhangers
 Zone 6-D - Vinyl hangers
 Zone 6-E - Drywall finishers - Ames tool op., machine texture
 Zone 6-F - Drywall finishers - hand finisher

GENERAL BUILDING AND HEAVY ENGINEERING CONSTRUCTION	Fringe Benefits Payments				Education and/or Appr. Tr.
	Basic Hourly Rates	H & W	Pensions	Vacation	
PLASTERERS:					
Statewide, (except Otero, Grant, Sierra, Dona Ana, Luna and Hidalgo Counties)	\$8.00	.48	.30		.01
Otero, Grant, Sierra, Dona Ana, Luna and Hidalgo Counties	7.27	.48			.01
PLUMBERS-PIPEFITTERS:					
Area I	10.40	.63	1.36		.12
Area II	10.90	.63	1.36		.12
Area III	12.15	.63	1.36		.12
Specific Area	11.03	.63	1.36		.12
Residential	7.38	.63	.25		.12

PLUMBERS - PIPEFITTERS' ZONE DEFINITIONS

BASING POINT CITIES OR TOWNS:

Albuquerque, Alamogordo, Anthony, Artesia, Belen, Carlsbad, Clovis, Deming, Espanola, Farmington, Gallup, Grants, Hobbs, Las Cruces, Las Vegas, Lordsburg, Lovington, Portales, Raton, Roswell, Ruidoso, Santa Fe, Silver City, Santa Rosa, Taos, Tucuman, Truth of Consequence and Socorro, New Mexico.

Area I - Shall include a distance of seven road miles inclusive beyond the city or town limits.

Area II - Shall extend a distance of four road miles inclusive beyond the outer perimeter of area I.

Area III - Shall apply to all areas not within areas I or 2, or not within the specific area.

Specific Area - Los Alamos, White Rock, South Mesa, McGregor Range, White Sands Missile Range and/or Proving Grounds, Atlas Missile Complex Sites in Chaves and Lincoln Counties, and the Oro Grande Range Camp in Dona Ana and Otero Counties.

POWER EQUIPMENT OPERATORS AREA DEFINITIONS:

AREA I - Farmington, San Juan County

- Zone I - 0-15 miles from Farmington City Hall
 Zone II - 15-35 miles from Farmington City Hall
 Zone III - 35-50 miles from Farmington City Hall
 AREA II - Statewide, except San Juan County

HEAVY ENGINEERING CONSTRUCTION (POWER EQUIPMENT OPERATORS AREA DEFINITIONS)

AREA I - Statewide, except San Juan County

Basing points for zone pay shall be determined from the center of the following cities - Albuquerque, Carlsbad, Gallup, Raton and Las Cruces.

- Zone I - 0 to 50 miles
 Zone II - Over 50 miles
 AREA II - Farmington, San Juan County
 Zone I - 0 to 15 miles from Farmington City Hall
 Zone II - 15 to 35 miles from Farmington City Hall
 Zone III - Over 35 miles from Farmington City Hall

	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
GENERAL BUILDING AND HEAVY ENGINEERING CONSTRUCTION						
AREA I (RESIDENTIAL AND GENERAL BUILDING CONSTRUCTION)						
ZONE I						
Group 1	\$ 7.33	.45	.50			.10
Group 2	7.87	.45	.50			.10
Group 3	7.95	.45	.50			.10
Group 4	8.01	.45	.50			.10
Group 5	8.07	.45	.50			.10
Group 6	8.17	.45	.50			.10
Group 7	8.27	.45	.50			.10
Group 8	8.45	.45	.50			.10
Group 9	9.25	.45	.50			.10
ZONE II						
Group 1	8.58	.45	.50			.10
Group 2	9.12	.45	.50			.10
Group 3	9.20	.45	.50			.10
Group 4	9.26	.45	.50			.10
Group 5	9.32	.45	.50			.10
Group 6	9.42	.45	.50			.10
Group 7	9.52	.45	.50			.10
Group 8	9.70	.45	.50			.10
Group 9	10.50	.45	.50			.10
ZONE III						
Group 1	8.83	.45	.50			.10
Group 2	9.37	.45	.50			.10
Group 3	9.45	.45	.50			.10
Group 4	9.51	.45	.50			.10
Group 5	9.57	.45	.50			.10
Group 6	9.67	.45	.50			.10
Group 7	9.77	.45	.50			.10
Group 8	9.95	.45	.50			.10
Group 9	10.75	.45	.50			.10
AREA II (RESIDENTIAL AND GENERAL BUILDING CONSTRUCTION)						
Group 1	7.33	.45	.50			.10
Group 2	7.87	.45	.50			.10
Group 3	7.95	.45	.50			.10
Group 4	8.01	.45	.50			.10
Group 5	8.07	.45	.50			.10
Group 6	8.17	.45	.50			.10
Group 7	8.27	.45	.50			.10
Group 8	8.45	.45	.50			.10
Group 9	9.25	.45	.50			.10

HEAVY CONSTRUCTION (AREA I):

	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
<u>HEAVY CONSTRUCTION (AREA I):</u>						
<u>GROUP I</u>						
Zone 1	\$7.28	.45	.50			.10
Zone 2	8.28	.45	.50			.10
<u>GROUP II</u>						
Zone 1	7.82	.45	.50			.10
Zone 2	8.82	.45	.50			.10
<u>GROUP III</u>						
Zone 1	7.90	.45	.50			.10
Zone 2	8.90	.45	.50			.10
<u>GROUP IV:</u>						
Zone 1	7.96	.45	.50			.10
Zone 2	8.96	.45	.50			.10
<u>GROUP V</u>						
Zone 1	8.02	.45	.50			.10
Zone 2	9.02	.45	.50			.10
<u>GROUP VI</u>						
Zone 1	8.12	.45	.50			.10
Zone 2	9.12	.45	.50			.10
<u>GROUP VII</u>						
Zone 1	8.22	.45	.50			.10
Zone 2	9.22	.45	.50			.10
<u>GROUP VIII</u>						
Zone 1	8.40	.45	.50			.10
Zone 2	9.40	.45	.50			.10
<u>GROUP IX</u>						
Zone 1	9.20	.45	.50			.10
Zone 2	10.20	.45	.50			.10

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS (BUILDING & RESIDENTIAL)

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
(HEAVY ENGINEERING CONSTRUCTION) POWER EQUIPMENT OPERATORS					
HEAVY CONSTRUCTION (AREA II)					
GROUP I					
Zone 1	\$ 7.28	.45	.50		.10
Zone 2	8.03	.45	.50		.10
Zone 3	8.28	.45	.50		.10
GROUP II					
Zone 1	7.82	.45	.50		.10
Zone 2	8.57	.45	.50		.10
Zone 3	8.82	.45	.50		.10
GROUP III					
Zone 1	7.90	.45	.50		.10
Zone 2	8.65	.45	.50		.10
Zone 3	8.90	.45	.50		.10
GROUP IV					
Zone 1	7.96	.45	.50		.10
Zone 2	8.71	.45	.50		.10
Zone 3	8.96	.45	.50		.10
GROUP V					
Zone 1	8.02	.45	.50		.10
Zone 2	8.77	.45	.50		.10
Zone 3	9.02	.45	.50		.10
GROUP VI					
Zone 1	8.12	.45	.50		.10
Zone 2	8.87	.45	.50		.10
Zone 3	9.12	.45	.50		.10
GROUP VII					
Zone 1	8.22	.45	.50		.10
Zone 2	8.97	.45	.50		.10
Zone 3	9.22	.45	.50		.10
GROUP VIII					
Zone 1	8.40	.45	.50		.10
Zone 2	9.15	.45	.50		.10
Zone 3	9.40	.45	.50		.10
GROUP IX					
Zone 1	9.20	.45	.50		.10
Zone 2	9.95	.45	.50		.10
Zone 3	10.20	.45	.50		.10

(HEAVY ENGINEERING CONSTRUCTION)
POWER EQUIPMENT OPERATORS

HEAVY CONSTRUCTION (AREA II)

GROUP I
Fireman, oiler, screedman, scale operator such as (Bin-A-Batch), rubber tired farm type tractor, tractors under 50 HP w/o attachments, breaker, concrete paving curing machine (bridge-type), helpers; mechanic, welder, grease truck.

GROUP II
Rollers, sheepsfoot or pneumatic self propelled w/o dozer, concrete conveyor, service truck operator (head oiler), air compressor (300 CFM and over), Pumps (6" and over), screening plants, concrete mixers (under 1 CY), concrete saw or grinder-span type, 1 drum hoists, air tugger, elevating belt type loaders, forklift, lumber stacker, tractor-farm type (under 50 HP w/o attachments), motorman and industrial locomotive operator, winch trucks, front end loader (under 2 CY), power plants which generate over 15 KW, welding machines.

GROUP III
Bituminous distributors, boilers, retort and hot oil heaters, concrete mixers (1 CY and over), concrete paver-single drum, drilling equipment, motor graders (rough), shaft and tunnel equipment; (Refrigeration, slusher, jumbo form), trenching machines (all types), pumpcrete and gunite machines, slipform paver, mechanical bullfloats, concrete slab spreading machine, concrete slab finishing machines, crushing plants.

GROUP IV
Front end loader (2 thru 10 CY), rollers, steel wheeled-all types, bulldozers, scrapers, (motor or towed), elevating graders, concrete batching plants, self propelled rollers equipped with dozer. Twin bowl scrapers and quad 8 or 9 pushers (35¢ over basic rate). Three bowl scrapers (60¢ over basic rate). Tractor (farm type w/hydraulic backhoes).

GROUP V
Hydraulic cranes with less than 50 feet or boom (20 tons and under). Concrete paver double drum. 2 drum hoist, auto fine grader, cat cranes, hysters, side and swingboom cats.

GROUP VI
Mucking machines, all types; motor grader, finish; mechanic, welder

GROUP VII
Steam engineers; loader (front end over 10 CY); concrete pump (snorkel type)

GROUP VIII
All shovel type equipment; cranes, draglines, backhoes, derricks, guy and stiff leg; pipemobile (No. 2 op.), pile driver, hydraulic cranes (20 tons and over), mine hoist, belt loader ("C.M.I." type) cranes & draglines, with booms and jib over 150 feet - 25¢ per hour additional.

GROUP IX
Shovel (wheel type), boring machine (tunnel or shaft mole), pipemobile.

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS (HEAVY ENGINEERING CONST.)

GROUP I

Fireman, oiler, screedman, scale operator such as (bin-a-batch), rubber tired farm type tractor, tractors under 50 HP w/o attachments, breakman, concrete paving curing machine (bridge-type), helpers; (mechanic, welder), grease truck.

GROUP II

Rollers, sheepsfoot or pneumatic self propelled w/o dozer, concrete conveyor, service truck operator (head oiler), air compressor (300 CFM and over), pumps (6" and over), screening plants, concrete mixers (under 1 CY), concrete saw or grinder-span type, 1 drum hoist, air tugger, elevating belt type loaders, forklift, lumber stacker, tractor-farm type (under 50 HP w/attachment), motor-man and industrial locomotive operator, winch truck front end loader (under 2 CY), power plants which generate over 15 KW, welding machines.

GROUP III

Bituminous distributors, boilers, retort and hot oil heaters, concrete mixers (1 CY and over), concrete paver-single drum, drilling equipment, motor graders (rough), shaft and tunnel equipment, refrigeration, slusher, jumbo forms, trenching machines, (all types), pumpcrete and gunite machines, slipform paver, mechanical bullfloats, concrete slab spreading machine, concrete slab finishing machine, asphalt plants, bituminous finishing machines, crushing plants.

GROUP IV

Front end loader (2 thru 7 CY), rollers steel wheeled (all types), bulldozers, scrapers, (motor or towed), elevating graders, concrete batching plants, self-propelled rollers, equipped with dozer, twin-bowl scrapers and quad 8 or 9 pushers (35¢ over basic rate), three bowl scrapers (60¢ over basic rate).

GROUP V

Front end loader (over 7 CY thru 10 CY), hydraulic cranes, with less than 50 feet of boom (20 tons and under), concrete paver, double drum, cat cranes, hysters, side and swing-boom cats, 2 drum hoist, auto fine grader.

GROUP VI

Mucking machines, all types, motor grader (finish), mechanic, welder

GROUP VII

Steam Engineers, loader (front end over 10 CY)

GROUP VIII

All shovel type equipment; cranes, derrick, backhoes, derricks, guy and stiff leg, pipemobile (NO. 2 operator), piledriver, hydraulic cranes (20 tons and over), mine hoist, belt loader ("C.M.I." Type).

GROUP IX

Shovel (wheel type), boring machine (tunnel or shaft mole), pipe mobile.

NOTICES

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		Fringe Benefits Payments				
		Basic Hourly Rates	H & W	Pensions	Vacation	Education and/or Appr. Tr.
ROOFERS						
SHEET METAL WORKERS:						
Zone 1		\$7.15	.25			
Zone 2		10.37	.53	.95		.12
Zone 3		8.855	3%+.51	.35		.025
Zone 4		8.35	.20			.05
		11.37	.53	.95		.12
SHEET METAL WORKERS' ZONE DEFINITIONS						
Zone 1 - Bernalillo, Catron, Chaves, Colfax, Curry, DeBaca, Guadalupe, Harding, Lincoln, McKinley, Mora, Quay, Rio Arriba, Roosevelt, Sandoval, San Miguel, Santa Fe, Socorro, Union, Taos, Torrance, Valencia, San Juan Counties, Kirtland Air Force Base.						
Zone 2 - Dona Ana, Eddy, Grant, Hidalgo, Lea, Luna, Sierra and Otero Counties.						
Zone 3 - Holloman Air Force Base, White Sands and McGregor Ranges						
Zone 4 - Los Alamos County						
SOFT FLOOR LAYERS:						
Zone 1		7.23	.30	.10		.02
Zone 2		7.50	.35	.20		.02
SOFT FLOOR LAYERS' ZONE DEFINITIONS						
Zone 1 - Dona Ana, Luna and Otero Counties						
Zone 2 - Statewide (excluding Dona Ana, Luna and Otero Counties)						
SOUND INSTALLERS:						
SOUNDMAN						
Zone 1		9.10	.40	1%		1/4%
Zone 2		9.225	.40	1%		1/4%
Zone 3		9.475	.40	1%		1/4%
TECHNICIAN						
Zone 1		7.28	.40	1%		1/4%
Zone 2		7.405	.40	1%		1/4%
Zone 3		7.555	.40	1%		1/4%
SOUND INSTALLERS						
Zone 1		5.92	.40	1%		1/4%
Zone 2		6.045	.40	1%		1/4%
Zone 3		6.295	.40	1%		1/4%

SOUND INSTALLERS ZONE DEFINITIONSZONE I

Thirty mile radius of main post office of Albuquerque

ZONE II

Remainder of Valencia, Sandoval, Santa Fe, Torrance, and Socorro Counties, the hourly rates of pay shall be increased by twelve and one-half (12½) percent of journeyman rate of pay for Zone I.

ZONE III

Chavez, Curry, Roosevelt, Lincoln, Guadalupe, DeBaca, Quay, San Miguel, Mora, Harding, Union, Colfax, Taos, Rio Arriba, Catron, Sierra, Grant, Los Alamos, San Juan, McKinley Counties, the hourly rates of pay shall be increased by thirty-seven and one-half (37.5) percent of the journeyman rate of pay for Zone I.

TRUCK DRIVERS CLASSIFICATION DEFINITIONS (BUILDING & RESIDENTIAL CONSTRUCTION)GROUP I

Pickup 3/4 ton and under, service station, including lubrication, light tire repair and washer, swamper or riding helper, 2 or up

GROUP II

Bus or taxi driver, dump or batch truck under 8 C.Y.W.L.C.; flat bed (bobtail) 2 ton and under; mechanic and welder helper; fork lift under 5 ton MRC.

GROUP III

Dump trucks (including all highway and off highway) 8 up to 15 C.Y.W.L.C.; water, fuel or oil trucks less than 3,000 gal., flat bed (bobtail) over 2 tons

GROUP IV

Distributor driver; heavy tire repairman; lumber carrier driver; young buggy or similar equipment, transit mix or agitator 2 or 3 axle bobtail equipment; scissor truck; bulk cement bobtail 2 or 3 axles; semi-trailer driver (flat-bed or van single axle); forklifts 5 ton and over MRC; field equipment service-men.

GROUP V

Dumpster and concrete driver; water, fuel or oil truck, 3,000 to 6,000 gal.; lowboys and light equipment driver; Euclid type tank wagon under 6,000 gal.

GROUP VI

Vacuum truck; dump trucks (including all highway and off-highway 16 up to 22 C.Y.W.L.C.

GROUP VII

Transit mix or agitator semi or 4 axle equipment driver; Flaherty truck type spreader box driver; slurry truck driver; bulk cement driver; semi-doubles; 4 axle bobtail; winch truck and "A" Frame; dump trucks (including all highway and off-highway) 22 CY up to 35 C.Y.W.L.C.; head field equipment service-men.

GROUP VIII

Euclid diesel power turnarocker; terra cotta-DW10--DW20--LeTourneau Pulls and similar diesel powered equipment when used to haul materials and assigned to a teamster--Lowboy heavy equipment driver; water, fuel or oil trucks 6,000 gal. and over including tank wagon drivers, semi-trailer driver (flat-bed or van tandems); light equipment mechanic; dump trucks (including all highway and off-highway) 35 C.Y.W.L.C. and over; truck and trailer or semi-trailer (flatbed); eject all.

GROUP IX

Warehousemen including material checker; cardex man; lowboy (heavy equipment double gooseneck); heavy equipment mechanic; welder (body and fender men).

TEAMSTERS classifications not listed shall be paid a rate comparable to classifications listed.

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
<u>GENERAL BUILDING CONSTRUCTION</u>					
<u>TRUCK DRIVERS:</u>					
Group 1	\$6.21	.57	.50		
Group 2	6.33	.57	.50		
Group 3	6.41	.57	.50		
Group 4	6.53	.57	.50		
Group 5	6.58	.57	.50		
Group 6	6.68	.57	.50		
Group 7	6.78	.57	.50		
Group 8	6.92	.57	.50		
Group 9	7.07	.57	.50		
<u>TRUCK DRIVERS (RESIDENTIAL CONST.)</u>					
Group 1	5.91	.57	.50		
Group 2	6.03	.57	.50		
Group 3	6.11	.57	.50		
Group 4	6.23	.57	.50		
Group 5	6.28	.57	.50		
Group 6	6.38	.57	.50		
Group 7	6.48	.57	.50		
Group 8	6.62	.57	.50		
Group 9	6.77	.57	.50		
<u>TRUCK DRIVERS (HEAVY ENGINEERING CONSTRUCTION)</u>					
Group 1	5.60	.48	.40		
Group 2	5.72	.48	.40		
Group 3	5.80	.48	.40		
Group 4	5.92	.48	.40		
Group 5	5.97	.48	.40		
Group 6	6.07	.48	.40		
Group 7	6.17	.48	.40		
Group 8	6.31	.48	.40		
Group 9	6.46	.48	.40		

DECISION NO. NN76-4182Page 21

WELDERS - Receive rate prescribed for craft performing operation to which welding is incidental.

FOOTNOTES:

- a - Includes \$0.07 contribution to the Occupational Health Fund.
- b - 1st 6 months - none; 6 months to 5 years, 2%; over 5 years, 4% of basic hourly rate.
- c - Paid Holidays: A through F

PAID HOLIDAYS:

- A - New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day;
- E-Thanksgiving Day; F-Christmas Day.

SUPERSEDEAS DECISION

STATE: NEW YORK COUNTY: DUTCHESS
 DECISION NO.: NY76-3280 DATE: Date of Publication
 Supersedes Decision No. NY76-3265 dated October 29, 1976 in 41 FR 47872
 DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction

Page 2

DECISION No. NY76-3280	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
BUILDING, HEAVY AND HIGHWAY CONSTRUCTION						
Asbestos workers	\$12.94	5%	10%	7%		.01
Boilermakers	10.57	5%	15%			
Bricklayers, cement masons, marble setters, plasterers, stone masons and tile setters	9.30	1.85	2.00	g		.05
Carpenters, Building: Wappingers, Falls, New Hackensack, Pawling and Beacon, Carpenters, piledrivermen and soft floor layers	10.02	.85	.65	.80 + 1+m		.10
Remainder of County: Carpenters and soft floor layers	10.02	7%	7%	.80		.10
Carpenters, Heavy and Highway: Wappingers Falls, New Hackensack, Pawling, and Beacon:	10.02	.85	.65	.80 + 1+m		.10
Carpenters	10.02	7%	7%	.80		.10
Cement masons, bricklayers, stone masons (Heavy & Highway)	9.80	1.85	2.00	h		.05
Electricians: Tps. of Pawling, Beacon, Fishkill, E. Fishkill	10.10	.75	1.8 + .69	.60		1/4
Remainder of County: Electricians	10.00	.75	1.8 + .85	5 + a + 1		1/4
Entire county: except Beacon and Fishkill:						
Repair, renovation, alteration and new installations of Electrical Systems in light commercial and industrial property, herein defined to include stores, gas stations, motels and hotels	6.35	.75	1%	.30		

DECISION No. NY76-3280	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
Elevator constructors	\$10.59	.495	.32	c+d		.02
Elevator constructors' helpers	7.41	.495	.32	c+d		.02
Elevator constructors' helpers (prob)	5.295					
Glaziers	10.30	.66	1.66	.47		.01
Ironworkers, structural, orna. & reinforcing	9.75	1.35	1.92	1.35		.01
Lathers	7.70	9%	.55			.01
Lead burners	10.50	.40	.25	e		.01
Line Construction: Lineman	11.10	.50	1.8 + .50	f		3/8%
Cable Splicer	12.21	.50	1.8 + .50	f		3/8%
Groundman digging machine operator	9.99	.50	1.8 + .50	f		3/8%
Groundman mobile equipment operator	8.88	.50	1.8 + .50	f		3/8%
Groundman truck driver	8.325	.50	1.8 + .50	f		3/8%
Groundman dynamite man & Mechanic	8.88	.50	1.8 + .50	f		3/8%
Marble setters helpers	10.45			b		
Painters:						
Brush	8.10	.52	i	k		
Bridges, towers, fire escapes, smoke stacks, flag poles, swing state, window jacks, boat-swin chair, safety belts, and spray structural steel	7.90	.42	i	k		
Piledrivermen, dock & wharf bulders	10.92	1.25	1.73	.65		.02
Plumbers and steamfitters	10.00	1.50	.60	1.30		.05
Roofers, asphalt shingle	7.65	1.00	1.51	n		
Roofers, slate & tile, asbestos, slab, asphalt builtup	10.15	1.00	1.51	n		
Roofers, pitch, pitch builtup	10.65	1.00	1.51	n		

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FOOTNOTES (CONT'D)

f. Holidays: A through F; Washington's Birthday, Election Day for President of the United States and Election of Governor of New York (provided employee works the day before and the day after the holiday).

g. Holidays: A through F; and two hours off on Election Day for the purpose of voting.

h. Holidays: A through F; Washington's Birthday; Good Friday; Columbus Day; Veteran's Day and Nov. Election Day.

1. Employer contributes \$.55 per hour to an annuity fund.

k. Holiday C providing the employee works within the period of (June 20 to July 4th).

1. Employees receive two hours off on Election Day for purpose of voting.

m. Holidays A through F providing the employee works 7 days before and after the holiday.

n. Employee receives two hours off on Election Day for the purpose of Voting, provided the employee has received 4 hours pay that day.

DECISION NO. <u>NY 6-3280</u>	Fringe Benefits Payments				Basic Hourly Rates.
	H & W	Pensions	Vacation	Education and/or Appr. Tr.	
Sheet metal workers	9.3%	16%	9%	.02	\$10.00
Sprinkler fitters	.60	.90	b	.08	11.61
Terrazzo workers' helpers			b		10.50
Tile setters' helpers			b		10.15
Welders - receive prescribed for craft performing operation to which welding is incidental.					
PAID HOLIDAYS: A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.					
FOOTNOTES:					
a. Holidays: A through F; (provided employee is on the payroll two weeks prior to the holiday).					
b. Paid Holidays: A through F; Washington's Birthday, Lincoln's Birthday, Good Friday and Columbus Day provided the employee is employed 3 days before the holiday or any of the 3 days following the holiday.					
c. Holidays: A through F.					
d. Employer contributes 2% of the basic hourly rate for 6 month to 5 years of service or 4% of the basic hourly rate for 5 years or more of service as vacation pay credit.					
e. Holidays: A through F; Washington's Birthday, Good Friday and Xmas Eve providing employee has worked 30 full days during the 90 calendar days prior to the holiday, and the regular schedule work days immediately preceding and following the holiday.					

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 Foughkeepsie and South thereof: 1 of 2

POWER EQUIPMENT OPERATORS - BUILDING CONSTRUCTION:

GROUP I: Backhoe Oliver 88, Fordson, dynahoe, dual purpose & similar machine, Barber Green loader-Bucild loader or similar type, cherry picker (cableway), compressor (steel erection), conveyer or similar mucking machines, dragline, gradall, shovel, backhoe, etc., (crawler or truck), front end loaders, hydraulic boom, Jersey spreader, Letourneau or Tournapull (scrapers over 20 yds. struck), nucking machines, pavement breaker (air ram), paver (concrete), pulsmeter, push button (buzz box) elevator, road boring machine, road mix machines, Ross carrier & similar machines, post hole digger, shovel (tunnels), side boom, spreader (asphalt), scoopmobile-tractor-shovel over 1-1/2 yds., trenching machines, tractor type demolition equipment, winch truck 'A' Frame

GROUP II: Compactor self-propelled, grader, bulldozer D7 & similar tractors with a draw bar horsepower of 100 & over maintenance engineer, mechanic (outside) all types, welder, scraper-20 yds. struck & under, machine pulling sheep's foot roller, etc., roller 4 ton and over, vib. roller

GROUP III: Asphalt plant, boiler (high pressure), bulldozer D6 & similar tractors with a draw bar horsepower less than 100, compressor, compressor plant, concrete mixing plants, concrete pump, conveyor belt machine-irrespective of motor size, fireman, forklift, forklift (electric), joy drill or similar tractor drilling machine, loader-1-1/2 yds., & under, lighting unit (portable & generator), locomotive (all sizes), mixer concrete-21E & over, portable asphalt plant, portable batch plant, portable crusher, quarry master, stone crusher, welding machine (steel erection excavation), well drilling machine, well point system

GROUP IV: Air tractor drill, batch plant, bending machine, concrete breaker, concrete spreader, compressor to 125 cu. ft., curb cutter machine, dust collector, farm tractor (all types), finishing machine concrete, material hooper-sand-stone-cement, mixer-concrete-under 21E, mulching grass spreader, heater-all types, pump, pump station (water & sewer), pump-gypsum, etc., concrete, pump-plaster roller under 4 ton, spreading & fine grading machine, steam Jenny, steel Jenny, steel cutting machine, sweeper, syphon pump air steam, tar joint machine, Turbo jet burner or similar equipment vibrator (1 to 5) fine grading machine

GROUP V: Concrete saw, mechanic's helper, oiler (fuel truck), oiler (grease truck), paint compressor, welder's helper

GROUP VI:

- A. Master mechanic
- B. Helicopter hoist op.
- C. Oiler, asphalt paver, utility man
- D. Welder - certified
- E. Second engineer on cranes 30 ton and over
- F. Cable splicer
- G. Helicopter pilot
- H. Helicopter signalman
- I. Engineer, all tower cranes, all climbing cranes and all cranes of 100 ton capacity or greater (3900 maintowac or similar) irrespective of manufacturer and regardless of how the same is rigged (except for pile rigs).

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Basic Hourly Rates	Fringe Benefits Payments:			
	H & W	Pensions	Vacation	Education and/or Appr. Tr.
\$7.68	.86	1.50	a + .40	
7.93	.86	1.50	a + .40	
8.08	.86	1.50	a + .40	

Laborers:

General laborers
 Hod carriers (plasters' helpers), scaffold builders (padlock & self-supporting scaffold 14 ft. or under all runways), mortar mixers (machine & hand), concrete mixers (by machine under 21-E), vibrators, form setters, pipe layers, asphalt rakers, handling reinforcement rods, working labor foremen, drillers & jackhammer op., signmen, gunning, motor bugs, water pump 2" or under, Barco machines, wreckers, paving breakers, power saw operator, other machine operators
 Blasters, laser beam op.

FOOTNOTE:

- a. Two hours off with pay on Election Day.

POWER EQUIPMENT OPERATORS - BUILDING CONSTRUCTION:

GROUP VI (CONT'D):

- J. Cranes (crawlers or truck) 100 ft. but less than 149 ft.
 K. Cranes (crawlers or truck) 149 ft. and over
 L. Loaders op. (over 5 yd. capacity)
 M. Shovel op. (over 4 yd. capacity)

GROUP VII: Concrete-portable hoist, crane & hoist engineer-steel (concrete, material, super structure, sub-structure), derrick (stone-steel), elevator & cage, engineer-pile driver, overhead crane, power house plant, telephones, whirly, hoist (single, double or triple drum), hoist (portable mobile unit), hoist engineer-concrete (crane, derrick, mine hoist), hoist engineer material

POWER EQUIPMENT OPERATORS, BUILDING		Fringe Benefits Payments				
	Basic Hourly Rates	H & W	Pensions	Vacation	App. Tr.	
GROUP I	\$12.855	6¢+1.00	10¢+b	a	1 1/2%	
GROUP II	11.94	6¢+1.00	10¢+b	a	1 1/2%	
GROUP III	11.795	6¢+1.00	10¢+b	a	1 1/2%	
GROUP IV	11.665	6¢+1.00	10¢+b	a	1 1/2%	
GROUP V	10.5125	6¢+1.00	10¢+b	a	1 1/2%	
GROUP VI						
A	14.51	6¢+1.00	10¢+b	a	1 1/2%	
B	13.3675	6¢+1.00	10¢+b	a	1 1/2%	
C	9.5675	6¢+1.00	10¢+b	a	1 1/2%	
D	12.3675	6¢+1.00	10¢+b	a	1 1/2%	
E	11.0875	6¢+1.00	10¢+b	a	1 1/2%	
F	11.94	6¢+1.00	10¢+b	a	1 1/2%	
G	17.0825	6¢+1.00	10¢+b	a	1 1/2%	
H	10.5125	6¢+1.00	10¢+b	a	1 1/2%	
I	16.7975	6¢+1.00	10¢+b	a	1 1/2%	
J	15.0825	6¢+1.00	10¢+b	a	1 1/2%	
K	16.0825	6¢+1.00	10¢+b	a	1 1/2%	
L	13.355	6¢+1.00	10¢+b	a	1 1/2%	
M	13.855	6¢+1.00	10¢+b	a	1 1/2%	
GROUP VII	13.0825	6¢+1.00	10¢+b	a	1 1/2%	

FOOTNOTES:

a. Paid Holidays: New Year's Day, Lincoln's Birthday, Washington's Birthday,
Good Friday, Memorial Day, Independence Day, Labor Day, Columbus Day,
November Election Day, Veteran's Day, Thanksgiving Day, X-mas Day.

b. Employer contributes \$2.00 per day to an Annuity Fund.

FOOTNOTES:

a. Paid Holidays: New Year's Day, Lincoln's Birthday, Washington's Birthday, Good Friday, Memorial Day, Independence Day, Labor Day, Columbus Day, November Election Day, Veteran's Day, Thanksgiving Day, X-mas Day.

b. Employer contributes \$2.00 per day to an Annuity Fund.

REMAINDER OF COUNTY:

BUILDING CONSTRUCTION - POWER EQUIPMENT OPERATORS:

GROUP 1: Oilers

GROUP 2: Firemen and heavy duty greasers, all boilers and steam generators

GROUP 3: Pumps, vibrators, concrete mixers, spreaders, concrete finishing machines, mortar mixers, air compressors, dust collectors, welding machines well points, two or more Herman Nelson and like heaters, batch and plant op., seed and mulching machines, generators, temporary light plants, concrete pump, beltcrete power pac (beltcrete system), electric submersible pump 4" and over

GROUP 4: Dinky locomotives, Barber Greene loaders, loaders and conveyors, tractors, scoomobiles, bulldozers, road rollers, form fine graders, power brooms and sweepers

GROUP 5: Black top spreaders, black top rollers, high lifts, fork lifts, one drum hoist or hod hoists, post hole diggers, traxcavators, core and well well drillers (one drum), economical and similar type machines, elevators, A-L frame winches, power hoisting (single drum)

GROUP 6: LeTourneau graders or scrapers, trenching machines, push cart

GROUP 7: Tractor road pavers, cranes, power road graders, shovels, backhoes, draglines, pile drivers, hoists two or more drums, three drum engines, hysters, two drum and swinging engines, three drum swinging engine, locomotive cranes, gradalls, hydrocrane, model CHB Vibrotamp or similar, Murphy type diesel generator-beltcrete system, side booms, hydro hammer, tractor mounted drill (quarry master), euclid loaders, concrete pumps, all CMI equipment, concrete central mix plant, automated asphalt, concrete central plant, derrick, whirlies, tower cranes, cableways, hydraulic cranes, power hoisting (2 drum and over), mucking machine

	Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
		H & W	Pensions	Vacation	
GROUP 1	\$9.99	.85	.60	a	.10
GROUP 2	10.06	.85	.60	a	.10
GROUP 3	10.17	.85	.60	a	.10
GROUP 4	10.36	.85	.60	a	.10
GROUP 5	10.69	.85	.60	a	.10
GROUP 6	10.84	.85	.60	a	.10
GROUP 7	11.02	.85	.60	a	.10

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Holidays: A through F.

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SEWER, ROAD, STREET AND HIGHWAY
CONSTRUCTION

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Poughkeepsie and South thereof:

HEAVY & HIGHWAY - POWER EQUIPMENT OPERATORS:

GROUP I: Auger, auto grader, backhoe Oliver 88, Fordson, dynamoe, dual purpose and similar machines, barber green loader-eucild loader or similar type, central mix plant operator, cherry picker (cableway), compactor with blade, compressor (steel erection), concrete portable hoist, C.M.I. or similar conveyor or similar mucking machines, crane (crawler or truck) drag-line, gradall, shovel backhoe, etc., derrick (stone-steel), elevator & cage, front end loaders, hoist single, double, triple drum, hoist portable mobile unit, hoist engineer-concrete (crane-derrick-mine hoist), hoist engineer-material, hydraulic boom, Lefournau or Tourmapull (scrapers over 20 yards struck), mucking machines, overhead crane, paver (concrete), power house plant, pulso-meter, push button (buzz box) elevator, road mix machines, Ross carrier and similar machines, shovel (tunnels), side boom, spreader (Asphalt), scoopmobile-tractor-shovel over 1/2 yards, trenching machines, telephones, tractor type demolition equipment, whirly, winch truck "A" frame

GROUP II: Compactor self-propelled, grader, bulldozer D7 and similar tractors with a draw bar horsepower of 100 and over, maintenance engineer, mechanic (outside) all types, welder, scrapers 20 yards struck and under, shop foreman, vibratory roller, etc., roller 4 ton and over

GROUP III: Asphalt plant, boiler (high pressure), bulldozer D6 and similar tractors with a draw bar horsepower less than 100, compressor, compressor plant, concrete pump, conveyor belt machine-irrespective of motor size, fireman, forklift, forklift (electric), joy drill or similar tractor drilling machine, loader-1 1/2 yds. and under, lighting unit (portable & generator), locomotive (all sizes), machine pulling sheeps foot roller, mixer concrete-21E and over, portable asphalt plant, portable batch plant, portable crusher, quarry master, stone crusher, welding machine (steel erection-excitation), well drilling machine, well point system

GROUP IV: Air tractor drill, batch plant, bending machine, concrete breaker, concrete spreader, compressor to 125 cu. ft., curb cutter machine, dust collector, farm tractor (all types), finishing machine-concrete, material hopper-sand-stone-cement, mixer-concrete-under 21E, mulching grass spreader, heater-all types, pump 4 inches and over, pump station (water & sewer), pump-gypsum, etc., pump-plaster, roller under 4 ton, shop mechanic (not employed on job site), spreading & fine grading machine, steam jenny, steel cutting machine, sweeper, syphon pump-air-steam, tar joint machine, Turbo jet burner or similar equipment, vibrator (1 to 5), fine grading machine

GROUP V: Concrete saw, mechanic's helper, oiler, oiler (fuel truck), oiler (grease truck), stockroom or stockroom attendant, paint compressor, pump under 4" or any combination not equal to 4". roller motorized (walk behind), welder's helper

Basic Hourly Rates	Fringe Benefits Payments		
	H & W	Pensions	Vacation
\$7.85	.86	1.55	a
8.10	.86	1.55	a
8.45	.86	1.55	a

Laborers:

General laborers
Concrete men, joint setter, signal man, mason tender, pipe layer, riprap and dry stone layers, asphalt workers, screed bar operator, steel rod carrier, jack-hammerman, wagon driver, air-trac operator, rippers, powder man, high scalers, power buggy operator, vibratory operator, other compactor, wrecking laborers, gunite and sandblasting, coal passer

Concrete finisher on Highways, blaster, form setter, laser beam operator

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.
a. Holiday's: A through F and Lincoln's Birthday, Washington's Birthday, Good Friday, Columbus Day, Veteran's Day and November Election Day provided the employee works (7) calendar days before or after the holiday.

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HEAVY & HIGHWAY - POWER EQUIPMENT OPERATORS (CONT'D):

GROUP VII: Hoist engineer-steel, sub-struct., engineer-pile driver

GROUP VII: Welder-certified crawlers or truck: 100 ft. but less than 149 ft. \$2.00 per hour additional crawlers or truck: 149 ft. and over \$3.00 per hour additional loader operators: Over 5 cu. yd. capacity \$1.50 per hour additional shovel operators: over 4 cu. yd. capacity \$1.00 per hour additional

	Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
		H & W	Pensions	Vacation	
GROUP I	\$11.25	64+1.00	94+1.25	a	14
GROUP II	10.45	64+1.00	94+1.25	a	14
GROUP III	10.325	64+1.00	94+1.25	a	14
GROUP IV	10.20	64+1.00	94+1.25	a	14
GROUP V	9.20	64+1.00	94+1.25	a	14
GROUP VI	11.45	64+1.00	94+1.25	a	14
GROUP VII	10.825	64+1.00	94+1.25	a	14

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Holidays: A through F; Lincoln's Birthday; Washington's Birthday; Good Friday; Columbus Day; November Election Day and Veteran's Day.

DECISION No. NY76-3280

REMAINDER OF COUNTY

POWER EQUIPMENT OPERATORS:
HEAVY & HIGHWAY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments			App.
		H & W	Pensions	Vacation	
GROUP I	\$9.69	.55	.60+1.00	b	.10
GROUP II	9.37	.55	.60+1.00	b	.10
GROUP III	8.69	.55	.60+1.00	b	.10
GROUP IV	7.90	.55	.60+1.00	b	.10

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

- a. Employer contributes \$.30 per hour to an Supplemental Unemployment Benefit Fund.
- b. Paid Holidays A through F; providing the employee works the working day before and after the holiday.

POWER EQUIPMENT OPERATORS: HEAVY AND HIGHWAY CONSTRUCTION

Group I - Automated concrete spreader (CMV), automatic fine grader, backhoe (except tractor mounted, rubber tired), belt placer (CMV type), blacktop plant (automated), cableway, caisson auger, central mix concrete plant (automated), cherry picker (over 5 tons capacity), concrete pump (8" or over crane, cranes & derricks (steel erection), dragline, dredge, dual drum paver, excavator (all purpose-hydraulically operated, (gradall or similar), fork lift (factor rated 15 ft. and over), front end loader 4 c.y. and over), head tower (saucerman or equal) hoist (2 or 3 drum), mine hoist, mucking machine or mole, over head crane (gantry or straddle type), piledriver, power grader, quarry master (or equivalent), scraper, shovel, sideboom, slip form paver (if second man is needed, he shall be an oiler), tractor drawn belt type loader, truck crane, tunnel shovel.

Group II - Backhoe (tractor mounted, rubber tired), bituminous spreader and mixer, blacktop plant (non-automated), blast or rotary drill truck or tractor mounted), boring machine, cage-hoist, central mix plant (non-automated and all concrete batching plants), cherry picker (5 tons capacity and under), compressors (4 or less) exceeding 2000 C.F.N. combined capacity concrete paver (over 165), concrete pump (under 8"), crusher, diesel power unit, drill rigs (tractor mounted), front end loader (under 4 c.y.), hi-pressure - boiler (15 lbs. and over), hoist (one drum) Kolman plant loader and similar type loaders (if another man is required to clean screen or to maintain the equipment, he shall be an oiler), locomotive maintenance/engineer/grease man/welder, mixer (for stabilized base self-propelled), monorail machine, plant engineer, pump crane, ready mix concrete plant, refrigeration equipment (for soil stabilization), road widener, roller (all above subgrade), tractor with dozer and/or pusher,

DECISION NO. NY16-3280

POWER EQUIPMENT OPERATORS: HEAVY AND HIGHWAY CONSTRUCTION CONT'D.

Group III - A-frame truck, compressors (4 not to exceed 2000 C.F.M. combined capacity or 3 or less with more than 1200 C.F.M. but not to exceed 2000 C.F.M.), compressors (any size but subject to other provisions for compressors), dust collectors, generators, pumps, welding machines (4 of any type of combination), concrete vibrator pumps used in conjunction with well point drill-core, drill-well, electric pumps, fine grade machine, fork lift system, farm tractor with accessories, fine grade machine, fork lift (under 15 ft.), guinze machine, hammers (hydraulic-self-propelled), post hole digger and post driver, power sweeper, roller (grade and fill), submersible electric pump (when used in lieu of well point system), tractor with towed accessories, vibratory compactor, vibro tamp, well point.

Group IV - Aggregate plant, boiler (used in conjunction with production), cement and bin operator, compressors (3 or less not to exceed 1200 C.F.M. combined capacity), compressor (any size, but subject to other provisions for compressors) dust collectors, generator pumps, welding machines (3 or less of any type or combination), concrete paver or mixer (16S and under), concrete saw (self-propelled), fireman, form tamper, hydraulic pump (jacking system), lighting plants, mulching machine, oiler parapet- (concrete or pavement grinder), power broom (towed), power heaterman, revivinus widener, shell winder, steam cleaner, tractor.

DECISION NO. NY16-3280

BUILDING, HEAVY & HIGHWAY CONSTRUCTION

TRUCK DRIVERS:
Drivers on Lefourneau tractors, double barrel Euclids, Athey wagon and similar equipment (except when hooked to scrapers), low beds, I-Bean, pole trailers, road oil distributors, tire trucks tractors and trailers with 5 axle and over
Equipment 25 yards and over up to and including 30 yard bodies, cable dump trailers, powder and dynamite trucks
Equipment up to and including 24 yards bodies, mixer trucks, dump crane trucks and similar types of equipment, fuel trucks, batch trucks and all other tractor trailers
Ten wheelers, grease trucks and tiller men
Straight trucks
Pick-up trucks used for hauling material parts escort man over the road
Helpers

Paid Holidays:

A-New Year's Day; B-Memorial Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day

Notes:

a. Holidays: A through F; Washington's Birthday; Election Day; Veteran's Day

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Basic Hourly Rates	Fringe Benefits Payments			
	H & W	Pensions	Vacation	App. Tr. Others
\$ 9.50	.85	.85	a	
9.40	.85	.85	a	
9.20	.85	.85	a	
9.10	.85	.85	a	
9.00	.85	.85	a	
9.00	.85	.85	a	
8.90	.85	.85	a	

STATE: NEW YORK

COUNTY: WESTCHESTER

DECISION NO. NY76-3281

DATE: DATE OF PUBLICATION

SUPERSEDES DECISION NO. NY76-3260 dated October 29, 1976 in 41 FR 47845

DESCRIPTION OF WORK: Building construction (excluding single family homes

and garden type apartments up to and including 4 stories), heavy and

highway construction.

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Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
Asbestos workers	5%	10%	7%		.01
Boilemakers	5%	15%	1.25+f		.05
Bricklayers	1.00	2.25			.05
Carpenters and insulators	1.20	.95	1.25+f		.05
Cement masons	1.00	2.25	10%		.05
Electricians	5%+h	7%	a+b		.02
Elevator constructors' helpers	.445	.29+e	a+b		.02
Elevator constructors' helpers (prob)	4.76	.29+e	a+b		.02
Elevator constructor modernization	8.75	.29+e	a+b		.02
Elevator constructor modern.	6.56	.29+e	a+b		.02
Elevator constructor repair	7.90	.29+e	a+b		.02
Elevator constructor repair helper	5.92	.29+e	a+b		.02
Glaziers	10.30	.66	.47		.01
Ironworkers, structural	11.65	1.20	1.50+g		.06
Ironworkers, ornamental finisher	10.24	.86	.78		.04
Ironworkers, reinforcing	9.10	.785	.75		.01
Laborers: (Building)	7.40	.95	.75		
Laborers, mason, plasterers, bricklayers, tenders, concrete laborers & pipelayers	7.65	.85	.75		.01
Jackhammer, vibrators, power buggies, fork lifts, all pneumatic equipment	12.00	.785	.75+j		.03
Lathers, nail-on	10.10	.40	c		.01
Lathers, metal	10.50	.56	.93		.01
Lead burners	9.33	.56	.93		.01
Line Construction:	9.33	.56	.93		.01
Linenmen	9.33	.56	.93		.01
Cable splicer	9.33	.56	.93		.01
Cable splicer helper	9.33	.56	.93		.01
Groundman	9.33	.56	.93		.01
Driver groundman	9.33	.56	.93		.01
Dynamite man	9.33	.56	.93		.01
Marble setters, marble cutters	8.00	.63	1.41		.01
Marble setters' helpers, crane op	7.33	.63	1.41		.01

DECISION NO. NY76-3281

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Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
Marble carvers	\$ 7.95	.63	1.41	i	
Derrickmen	7.33	.63	1.41	i	
Marble sawers, rubbers, polishers	7.57	.63	1.41	i	
Millwrights	9.36	.90	1.53		
Painters:					
Brush	8.80	.50	.50+h	.40	
Structural steel, swing stage	10.05	.50	.50+h	.40	
Spray	9.80	.50	.50+h	.40	
Piledrivermen & dock builders	10.92	1.25	1.73	.65	.02
Plasterers	9.00	.75	1.75	1.00+f	.05
Plumbers	10.18	8%+d	8%	11%	.05
Roofers:					
Composition, damp & water-proofing	9.35	1.09	2.45	.65	
Slate and tile	10.82	.55	1.20	1.75	
Slate and tile helpers	7.90	.50	1.00	1.20	
Sheet metal workers	10.00	9.3%	1.6%	9%	.02
Soft floor layers	9.08	1.20	.95	1.07	.085
Steamfitters	10.18	8%+d	8%	11%	.05
Stone masons	9.00	1.00	2.25	1.25+f	
Terrazzo machine operator	8.99	1.21	1.50		
Terrazzo workers	9.10	.62	1.95		
Terrazzo workers' helpers	8.84	1.21	1.50		
Tile setters	8.50	.80	2.10		
Tile setters' helpers	7.90	.50	1.00	1.20	.08
Sprinkler Fitters	11.61	.60	.90		
Welders - receive rate prescribed for craft performing operation to which welding is incidental.					
PAID HOLIDAYS:					
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; F-Christmas Day.					
FOOTNOTES:					
a. Holidays: A through F; Lincoln's Birthday, Washington's Birthday, Columbus Day, Armistice Day and Election Day.					
b. Employer contributes 6.4% of basic hourly rate for 5 years or more of service of 4% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.					

NOTICES

DECISION NO. NY76-3281

BUILDING HEAVY AND HIGHWAY
CONSTRUCTION

PAGE 3

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FOOTNOTES (CONT'D):

- c. Holidays: A through F; Washington's Birthday, Good Friday, Christmas Eve, providing employee has worked 45 full days during the 120 calendar days prior to the holiday and the regularly schedule work days immediately preceding and following the holiday.
- d. Employer contributes \$7.60 per day to Security Benefit Fund, providing the employee works 3½ hours or more during the working day.
- e. Employer contributes \$8.00 per day to Annuity Fund.
- f. Holidays: D, Armistice Day, Columbus Day, Presidential Election Day or Election Day for Governor of New York (Highway Construction only.)
- g. Holidays: New Year's Eve and Christmas Eve, providing the employee works a full half day preceding the holiday.
- h. Employer contributes \$3.00 per day workman to Security Benefit Fund.
- i. Paid Holidays: St. Patrick's Day
- j. Work on Christmas and New Year's Eve will terminate at noon, but employees will receive a full day's pay.

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DECISION NO. NY76-3281

EXCAVATION, HEAVY CONSTRUCTION
AND ROAD CONSTRUCTION (Open Cut)

Basic Hourly Rates	Fringe Benefits Payments		
	H & W	Pensions	Vacation
Laborers: Blasters, blaster (quarry master), Joy drillers, wagon drillers, air track drillers, concrete form aligner, concrete form and curb form highway (steel), and deck winches on scows, jumbo driller Asphalt curb machine operator, jeep operator, pavement breaker operator, rock scalers, power saw operator, bit grinder or grinders, barco rammer operator, air tamper and all type powered tampers not covered by any other classifica- tion, steel kings, power buggy operator, jack hammer drillers, all type pneumatic tool and gasoline drillers, concrete saw or saws, asphalt screeder on herbergen, form pin puller railroad spike puller, pumps and their operation, and pneumatic tools and service of air power, gunnitting General concrete laborers or any- thing pertaining to concrete which means any men handling aggregate or concrete materials and carpenters tender and steel handling, pipe layers, puddlers, asphalt worker, fine grade men between forms, epoxy and water- proofing Joy driller's helper wagon driller helper, air track driller helper, common laborers, signal men and pitman, truck spotters, powdermen, landscape and nursery men, and dump men	8%	8%	a + .82
8.48	8%	8%	a + .82
8.37	8%	8%	a + .82
8.22	8%	8%	a + .82
8.12	8%	8%	a + .82

POWER EQUIPMENT OPERATORS - BUILDING CONSTRUCTION:

GROUP I: Backhoe Oliver 88, Fordson, dynamoe, dual purpose & similar machine, Barber Green loader-Euclid loader or similar type, cherry picker (cableway), compressor (Steel erection), convey or similar mucking machines, dragline, gradall, shovel, backhoe, etc., (crawler or truck), front end loaders, hydraulic boom, Jersey spreader, Letourneau or Tournapull (scraper), over 20 yds. struck, mucking machines, pavement breaker (air ram), paver (concrete), pulsmeter, push button (buzz box) elevator, road boring machine, road mix machines, Ross carrier & similar machines, post hole digger, shovel (tunnels), side boom, spreader (asphalt), scoomobile-tractor-shovel over 1- $\frac{1}{2}$ yds., trenching machines, tractor type demolition equipment, winch truck "A" Frame

GROUP II: Compactor self-propelled, grader, bulldozer D7 & similar tractors with a draw bar horsepower of 100 & over maintenance engineer, mechanic (outside) all types, welder, scraper-20 yds. struck & under, machine pulling sheep's foot roller, etc., roller 4 ton and over, vib. roller

GROUP III: Asphalt plant, boiler (high pressure), bulldozer D6 & similar tractors with a draw bar horsepower less than 100, compressor, compressor plant, concrete mixing plants, concrete pump, conveyor belt machine-irrespective of motor size, fireman, forklift, forklift (electric), joy drill or similar tractor drilling machine, loader-1- $\frac{1}{2}$ yds., & under, lighting unit (portable & generator), locomotive (all sizes), mixer concrete-24E & over, portable asphalt plant, portable batch plant, portable crusher, quarry master, stone crusher, welding machine (steel erection excavation), well drilling machine, well point system

GROUP IV: Air tractor drill, batch plant, bending machine, concrete breaker, concrete spreader, compressor to 125 cu. ft., curb cutter machine, dust collector, farm tractor (all types), finishing machine concrete, material hooper-sand-stone-cement, mixer-concrete-under 24E, mulching grass spreader, heater-all types, pump, pump station (water & sewer), pump-gypsum, etc., concrete, pump-plaster roller under 4 ton, spreading & fine grading machine, steam Jenny, steel Jenny, steel cutting machine, sweeper, syphon pump air steam, tar joint machine, Turbo jet burner or similar equipment vibrator (1 to 5) fine grading machine

GROUP V: Concrete saw, mechanic's helper, oiler (fuel truck), oiler (grease truck), paint compressor, welder's helper

GROUP VI:

- A. Master mechanic
- B. Helicopter hoist op.
- C. Oiler, asphalt paver, utility man
- D. Welder - certified
- E. Second engineer on cranes 30 ton and over
- F. Cable splicer
- G. Helicopter pilot
- H. Helicopter signalman
- I. Engineer, all tower cranes, all climbing cranes and all cranes of 100 ton capacity or greater (3900 maintowac or similar) irrespective of manufacturer and regardless of how the same is rigged (except for pile rigs).

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DECISION NO. <u>NY-7-3281</u> EXCAVATION, HEAVY CONSTRUCTION AND ROAD CONSTRUCTION (Open Out)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Laborers: (CONT'D) Wrecking: Barmen, and burner Barmen helpers and laborers Shaft and Tunnel in Free Air: Blasters Concrete setters Form setters Miners, drill runners, air tug- gers, chippers, pneumatic tools and source of air-power pumps and their operators, and vibrator operators Puddlers Chuck tenders, nippers, concrete laborers, tunnel sewer and water pipe reliners Laborers Powder carriers, signalmen Brakemen Outside laborers	\$8.62	8%	8%	a + .82	
	8.47	8%	8%	a + .82	
	9.27	8%	8%	a + .82	
	9.47	8%	8%	a + .82	
	8.97	8%	8%	a + .82	
	8.77	8%	8%	a + .82	
	8.72	8%	8%	a + .82	
	8.62	8%	8%	a + .82	
	8.37	8%	8%	a + .82	
	8.32	8%	8%	a + .82	
	8.27	8%	8%	a + .82	
	8.22	8%	8%	a + .82	
PAID HOLIDAYS: A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.					
FOOTNOTES: a. Holidays: A through F; Lincoln's Birthday; Washington's Birthday; Columbus Day; November Election Day; Veteran's Day; and Good Friday, provided employee works (2) two or more days in the calendar week in which the holiday falls.					

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DECISION NO. NY76-3281

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POWER EQUIPMENT OPERATORS - BUILDING CONSTRUCTION:

GROUP VI (CONT'D.):

- J. Cranes (crawlers or truck) 100 ft. but less than 149 ft
K. Cranes (crawlers or truck) 149 ft. and over
L. Loaders op. (over 5 yd. capacity)
M. Shovel op. (over 4 yd. capacity)

GROUP VII: Concrete-portable hoist, crane & hoist engineer-steel (concrete, material, super structure, sub-structure), derrick (stone-steel), elevator & cage, engineer-pile driver, overhead crane, power house plant, telephones, whirly, hoist (single, double or triple drum), hoist (portable mobile unit), hoist engineer-concrete (crane, derrick, mine hoist), hoist engineer material

POWER EQUIPMENT OPERATORS,
BUILDING

	Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
		H & V	Pensions	Vacation	
GROUP I	\$12.855	6%+1.00	10%+b	a	1 1/2%
GROUP II	11.94	6%+1.00	10%+b	a	1 1/2%
GROUP III	11.795	6%+1.00	10%+b	a	1 1/2%
GROUP IV	11.665	6%+1.00	10%+b	a	1 1/2%
GROUP V	10.5125	6%+1.00	10%+b	a	1 1/2%
GROUP VI					
A	14.51	6%+1.00	10%+b	a	1 1/2%
B	13.3675	6%+1.00	10%+b	a	1 1/2%
C	9.5675	6%+1.00	10%+b	a	1 1/2%
D	12.3675	6%+1.00	10%+b	a	1 1/2%
E	11.0875	6%+1.00	10%+b	a	1 1/2%
F	11.94	6%+1.00	10%+b	a	1 1/2%
G	17.0825	6%+1.00	10%+b	a	1 1/2%
H	10.5125	6%+1.00	10%+b	a	1 1/2%
I	16.7975	6%+1.00	10%+b	a	1 1/2%
J	15.0825	6%+1.00	10%+b	a	1 1/2%
K	16.0825	6%+1.00	10%+b	a	1 1/2%
L	13.355	6%+1.00	10%+b	a	1 1/2%
M	13.855	6%+1.00	10%+b	a	1 1/2%
GROUP VII	13.0625	6%+1.00	10%+b	a	1 1/2%

FOOTNOTES:

- a. Paid Holidays: New Year's Day, Lincoln's Birthday, Washington's Birthday, Good Friday, Memorial Day, Independence Day, Labor Day, Columbus Day, November Election Day, Veteran's Day, Thanksgiving Day, X-mas Day.
- b. Employer contributes \$2.00 per day to an Annuity Fund.

HEAVY & HIGHWAY - POWER EQUIPMENT OPERATORS:

GROUP I: Auger, auto grader, backhoe Oliver 88, Fordson, dynahoe, dual purpose and similar machines, barbed green loader-euclyd loader or similar type, central mix plant operator, cherry picker (cableway), compactor with blade, compressor (steel erection), concrete portable hoist, C.M.I. or similar Conway or similar mucking machines, Crane (crawler or truck) drag-line, gradall, shovel backhoe, etc., derrick (stone-steel), elevator & cage, front end loaders, hoist single, double, triple drum, hoist portable mobile unit, hoist engineer-concrete (crane-derrick-mine hoist), hoist engineer-material, hydraulic boom, Lefournier or Toumapull (scrappers over 20 yards struck), mucking machines, overhead crane, paver (concrete), power house plant, pulsumeter, push bottom (buzz box) elevator, road mix machines, Ross carrier and similar machines, shovel (tunnels), side boom, spreader (asphalt), scoomobile-tractor-shovel over 1 1/2 yards, trenching machines, telephones, tractor type demolition equipment, whirly, winch truck "A" frame

GROUP II: Compactor self-propelled, grader, bulldozer D7 and similar tractors with a draw bar horsepower of 100 and over, maintenance engineer, mechanic (outside) all types, welder, scrapers 20 yards struck and under, shop foreman, vibratory roller, etc., roller 4 ton and over

GROUP III: Asphalt plant, boiler (high pressure), bulldozer D6 and similar tractors with a draw bar horsepower less than 100, compressor, compressor plant, concrete pump, conveyor belt machine-irrespective of motor size, firemen, forklift, forklift (electric), Joy drill or similar tractor drilling machine, loader-1 1/2 yds. and under, lighting unit (portable & generator), locomotive (all sizes), machine pulling sheeps foot roller, mixer concrete-2 1/2 and over, portable asphalt plant, portable batch plant, portable crusher, quarry master, stone crusher, welding machine (steel erection-excitation), well drilling machine, well point system

GROUP IV: Air tractor drill, batch plant, bending machine, concrete breaker, concrete spreader, compressor to 125 cu. ft., curb cutter machine, dust collector, farm tractor (all types), finishing machine-concrete, material hopper-sand-stone-cement, mixer-concrete-under 2 1/2, mulching grass spreader, heater-all types, pump 4 inches and over, pump station (water & sewer), pump-gypsum, etc., pump-plaster, roller under 4 ton, shop mechanic (not employed on job site), spreading & fine grading machine, steam jenny, steel cutting machine, sweeper, syphon pump-air-steam, tar joint machine, turbo jet burner or similar equipment, vibrator (1 to 5), fine grading machine

GROUP V: Concrete saw, mechanic's helper, oiler, oiler (fuel truck), oiler (grease truck), stockroom or stockroom attendant, paint compressor, pump under 4" or any combination not equal to 4", roller motorized (walk behind), welder's helper

HEAVY & HIGHWAY - POWER EQUIPMENT OPERATORS (CONT'D):

GROUP VI: Hoist engineer-steel, sub-struct., engineer-pile driver

GROUP VII: Welder-certified crawlers of truck: 100 ft. but less than 149 ft. \$2.00 per hour additional crawlers of truck: 149 ft. and over \$3.00 per hour additional loader operators: Over 5 cu. yd. capacity \$1.50 per hour additional shovel operators: over 4 cu. yd. capacity \$1.00 per hour additional

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP I	\$11.25	6¢+1.00	9 3/4¢+.25	a	1 1/2%
GROUP II	10.45	6¢+1.00	9 3/4¢+.25	a	1 1/2%
GROUP III	10.35	6¢+1.00	9 3/4¢+.25	a	1 1/2%
GROUP IV	10.20	6¢+1.00	9 3/4¢+.25	a	1 1/2%
GROUP V	9.20	6¢+1.00	9 3/4¢+.25	a	1 1/2%
GROUP VI	11.45	6¢+1.00	9 3/4¢+.25	a	1 1/2%
GROUP VII	10.825	6¢+1.00	9 3/4¢+.25	a	1 1/2%

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Holidays: A through F; Lincoln's Birthday; Washington's Birthday; Good Friday; Columbus Day; November Election Day and Veteran's Day.

DECISION NO. NY-6-3281

TRUCK DRIVERS, BUILDING & HEAVY CONSTRUCTION

Straight jobs, A-Frame (inside cab), winch (inside cab), two, dynamite, seeding, mulching, agitator, water, welding on pipelines, post hole diggers, mortar mixing, suburbs, oil distributors, pick-up, hopper men & crusher operators, concrete mixer, lift (in garage, yards and on job site)

Tractor trailers (all types), 3 axle trucks (physically load and unload), mixer men, high pressure boiler in asphalt and batch plants

Tractor trailers (carrying equipment), weighmasters

Euclid

Euclids, Athey wagons, trailer wagons, belly dumps (under 40 tons)

Athey wagons, trailer wagons, belly dumps (over 40 tons)

Dual purpose grease & fuel trucks, fuel trucks, tire trucks

Welders, maintenance men, mechanics

Helicopter operator

Mechanic helpers, stock room men

Yardmen and helpers

Darts (up to 100 tons)

RXS

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

Footnotes:

a. Holidays: A through F, Lincoln's Birthday, Washington's Birthday, Good Friday, Columbus Day, Election Day, Veteran's Day (provided employee works one day of the work week in which the holiday occurs).

b. One week vacation after 90 days of employment in calendar year, plus one additional day for each additional 18 days of employment, not exceeding 10 days in any one calendar year; two weeks after 130 days of employment in a calendar year. However, an employee with 5 years of seniority service shall receive 2 weeks' paid vacation provided he works 90 days in a calendar year; three weeks and one day after 16 years of seniority service - plus 1 additional day for each year up to 19 years of seniority service; four weeks after 20 years of seniority service.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
	\$7.675	.40	.65	a+b	
	7.80	.40	.65	a+b	
	7.925	.40	.65	a+b	
	8.05	.40	.65	a+b	
	8.425	.40	.65	a+b	
	8.675	.40	.65	a+b	
	8.125	.40	.65	a+b	
	7.90	.40	.65	a+b	
	17.65	.40	.65	a+b	
	7.55	.40	.65	a+b	
	7.425	.40	.65	a+b	
	9.175	.40	.65	a+b	
	9.55	.40	.65	a+b	

SUPERSEDES DECISION

State: Rhode Island
 COUNTY: Newport
 DATE: Date of Publication
 DECISION NUMBER: R176-2151
 Supersedes Decision No. R176-2038, dated March 19, 1976 in 41 FR 11777
 DESCRIPTION OF WORK: Building (including residential), Heavy, Highway
 and Marine Construction.

DECISION NO. R176-2151

3-RI-1-N

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
ASBESTOS WORKERS	\$ 9.92	.76	.93		
BOILERMAKERS	10.00	.60	10%		.01
BRICKLAYERS: STONEMASONS	9.55	.95	1.00		.01
CARPENTERS:					
Carpenters & Soft Floor Layers	8.98	.65	.90		.025
Millwrights & Piledrivermen	9.58	.65	.90		.025
CEMENT MASONS	9.50	.90	.45		
ELECTRICIANS:					
Little Compton, Tiverton, N.	9.70	4%	18+.80	4%	1/2
Tiverton					
Remainder of County:	9.40	.48	18+1.40		.02
Building					
Residential - up to and in-	6.75	.38	1%		.02
cluding 3 stories					
ELEVATOR CONSTRUCTORS:					
Constructors	9.70	.495	.32	48+a+b	.02
Helpers	6.79	.495	.32	48+a+b	.02
Helpers (Prob.)	4.85	.495	.32	48+a+b	.02
GLAZIERS	8.88	.52	.85		.01
IRONWORKERS:					
Structural, Ornamental & Rein-	9.43	.70	1.50		.05
forcing					
LABORERS:					
Laborers, Building:					
Laborers, Carpenter tenders,					
cement finisher tender, mason	7.50	.60	.70		.10
tender & wrecking laborers					
Asphalt rakers, adzemen, pipe					
trench bracers, demolition burn-					
ers, chain saw ops., fence and					
guard rail erectors, setters of					
metal forms for roadways, mortar					
mixers, pipelayers, riprap & dry					
stonewall builders, highway stone					
spreaders, pneumatic tools ops.,					
wagon drill ops., tree trimmers,					
barco-type jumping tampers, mech-	7.75	.60	.70		.10
anical grinder operators					
Air track ops., block pavers, ram-					
mers, and curb setters	8.00	.60	.70		.10
Powdermen and blasters	8.25	.60	.70		.10

	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
LATHERS	9.25	.45	.55			
LINE CONSTRUCTION:						
Linemen	9.36	.30	1%	d		
Groundman	6.39	.30	1%	d		
Equipment Operator	8.34	.30	1%	d		
Driver Groundman	7.77	.30	1%	d		
MARBLE SETTERS, TERRAZZO						
AND TILE SETTERS	9.65	.95	.65			
MARBLE, TILE & TERRAZZO						
HELPERS	8.20		1.00	c	.01	
LEADBURNERS	9.25	.35				
PAINTERS:						
Little Compton, Adamsville, Sakonnet, & Tiverton:						
Brush	9.76	.72	1.05		.04	
Structural Steel & Spray	11.88	.72	1.05		.04	
Spray (other than steel) & sand blasting	10.76	.72	1.05		.04	
Repaint & alterations	8.61	.72	1.05		.04	
Remainder of County:						
Brush, Roller, & Taper	9.05	.55	.90			
Structural Steel	9.30	.55	.90			
Spray & Sand or Water Blasting	10.05	.55	.90			
Air power Brush	9.55	.55	.90			
PLASTERERS	8.70	.90	.45			
PLUMBERS	10.16	.86	1.19		.07	
ROOFERS:						
Composition, waterproofers	9.60	.45	.25			
Slate, tile, precast concrete	9.80	.45	.25			
Helpers, Class "A"	8.75	.45	.25			
Helpers, Class "B"	8.75	.45	.25			
SHEET METAL WORKERS	9.53	.66	.75		.04	
SPRINKLERFITTERS	10.56	.60	.90		.01	
STEAMFITTERS	10.35	.83	1.03		.07	
TRUCK DRIVERS: Building:						
Dumps & 2-axle equipment	7.05	.48	.525			
Trailers & 3-axle equipment	7.13	.48	.525			
Low bed trailers (24 tons & over, I-Beam trailers, Special						
earth moving equipment (Euclid type)	7.38	.48	.525			

DECISION NO. RI76-2151

HEAVY, HIGHWAY & MARINE
CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
Bricklayers, stone masons, catch basin, manhole builders Carpenters, dock builders, pile- drivers:	\$ 9.55	.95	1.00			.01
Carpenters	8.98	.65	.90			.025
Millwrights, Piledrivers, wharf bridges	9.58	.65	.90			.025
Cement masons	8.00	.50	.35			
Electricians:						
Little Compton, Tiverton	9.70	4%	18+.80	4%		4%
Remainder of County	9.40	.48	18+1.40			.02
Ironworkers; Structural, Orna- mental & Reinforcing	9.43	.55	.90+.50			.03
Laborers:						
Laborers, carpenter & cement finisher tenders & wrecking laborers	7.50	.60	.70			.10
Adzeman, asphalt rakers, barco- type jumping tampers, chain saw operators concrete and power buggy operators, con- crete saw operators demolition burners fence and guard rail erectors, highway stone spreaders, mechanical grinder operators, mortar mixers, pipe- layers, pipe trench bracers, pneumatic tool operators, riprap and dry stonewall builders, setters of metal forms for road- ways, stumper operators, tree toppers tree trimmers wagon drill ops. wood chipper operators	7.75	.60	.70			.10
Air track drill op.	8.00	.60	.70			.10
Blasters & Powdermen	8.25	.60	.70			.10
Pavers, rammers, curb setters	8.00	.50	.45			
Line Construction:						
Linenmen	9.36	.30	1%	a		
Groundman	6.39	.30	1%	a		
Equipment Operator	8.34	.30	1%	a		
Driver groundman	7.77	.30	1%	a		
Painters:						
Little Compton & Tiverton Typs:						

DECISION NO. RI76-2151

TRUCK DRIVERS (CONT'D)

	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
Euclid type equipment over 35 ton capacity	\$ 7.36	.48	.525			

Welders - receive rate pre-
scribed for craft performing
operation to which welding is
incidental.

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day

FOOTNOTES:

- Employer contributes 4% basic hourly rate for 5 years or more of
service of 2% of basic hourly rate for months to 5 years or service
as Vacation Pay Credit.
- Holidays: A through F
- Holidays: A through F, Washington's Birthday, Good Friday and
Christmas Eve providing employee has worked 45 full days during
the 120 calendar days prior to the holiday, and the regular
scheduled work days immediately preceding and following the
holiday.
- Holidays: A through F; Columbus Day provided employee has been
employed 5 working days prior to he holiday and provided the
employee works the scheduled work days immediately preceding and
following the holiday.

DECISION NO. RI76-2151

PAINTER (CONT'D)

Basic Hourly Rates	Fringe Benefits Payments			
	H & W	Pensions	Vacation	Education and/or Appr. Tr.
\$ 9.41	.72	.85		.04
Brush				
Structural Steel	.72	.85		.04
Spray (other than steel)	.72	.85		.04
Remainder of County:				
Brush, Roller, & Taper	.55	.90		
Spray	.55	.90		
Structural Steel	.55	.90		
Air Power Brush	.55	.90		

DECISION NO. RI76-2151

HEAVY, HIGHWAY & MARINE
CONSTRUCTION

Basic Hourly Rates	Fringe Benefits Payments			
	H & W	Pensions	Vacation	Education and/or Appr. Tr.
\$ 10.16	.86	1.19		.07
Plumbers				
Welders - receive rate prescribed for craft performing operation to which welding is incidental.				
PAID HOLIDAYS:				
A-New Year's Day; B-Memorial Day				
C-Independence Day; D-Labor Day				
E-Thanksgiving Day; F-Christmas Day.				
FOOTNOTE:				
a. Holiday A through F, Columbus Day provided the employee has been employed 5 working days prior to the Holiday and provided the employee works the scheduled work days immediately preceding and following the holiday.				

DECISION NO. RI76-2151

BUILDING CONSTRUCTION POWER
EQUIPMENT OPERATORS

Basic Hourly Rates	Fringe Benefits Payments			
	H & W	Pensions	Vacation	Education and/or Appr. Tr.
\$10.25	.70	.95		.10
Digging Machines, cranes, pile drivers, lighters, locomotives, derricks, hoists pavers, and front-end loaders 3 yds. and over	.70	.95		.10
Economobile type equipment	.70	.95		.10
Fork lift	.70	.95		.10
Firemen and Oilers	.70	.95		.10
Bulldozers, graders, spreaders, tractors, scrapers, rollers and front-end loaders less than 3 yds.	.70	.95		.10
Pippin type backhoes	.70	.95		.10
Maintenance Engineers	.70	.95		.10
Well-point Installation	.70	.95		.10
Gas or electric driven pumps, heater, concrete mixers, stone crushers, air compressors, welding machines and generators for light plants	.70	.95		.10

RI-1-PEO-1-P

DECISION NO. RI76-2151

RI-1-PEO-2-4-P

BRIDGES, CAISSON, DOCKS, MARINE, PIERS, SUB-BASEMENT, SUBTERRA- NEAN, TUNNELS, & HEAVY CONSTRUCT- TION POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
Digging machines, cranes, pile drivers, lighters, locomotives, derricks, hoists, pavers and front end loaders, 3 yds. and over	\$10.975 8.85	.70 .70	.95 .95		.10 .10
Firemen and Oilers					
Bulldozers, graders, spreaders, scrapers, rollers and front-end loaders, less than 3 yds.	9.525	.70	.95		.10
Maintenance Engineers	9.675	.70	.95		.10
Well-point Installation Crews	9.70	.70	.95		.10
Gas or electric driven pumps, heaters, concrete mixers, stone crushers, air com- pressors, welding machines, and generators for light plants	9.275	.70	.95		.10
Boat and Tug Operators	10.60	.70	.96		.10
Deckhands					

DECISION NO. RI76-2151

RI-1-PEO-3 R

HIGHWAY & BRIDGE INCIDENTAL TO HIGHWAY CONSTRUCTION POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
CLASS I	\$ 10.07	.70	.95		.10	
CLASS II	9.22	.70	.95		.10	
CLASS III	8.60	.70	.95		.10	
CLASS IV	7.60	.70	.95		.10	
CLASS V	8.55	.70	.95		.10	
CLASS VI	8.67	.70	.95		.10	
CLASS VII	8.65	.70	.95		.10	
CLASS VIII	8.30	.70	.95		.10	
CLASS IX	8.42	.70	.95		.10	
CLASS X	7.45	.70	.95		.10	
CLASS XI	6.90	.70	.95		.10	
CLASS XII	8.50	.70	.95		.10	
CLASS XIII	10.57	.70	.95		.10	
CLASS XIV	10.82	.70	.95		.10	

CLASS I - Digging machines, cranes, piledrivers, lighters, locomotives, derrick hoist, pavers, front end loaders 3 to 4 yds., econmobile, ross carriers
 CLASS II - Fork lifts
 CLASS III - Firemen
 CLASS IV - Oilers
 CLASS V - Bulldozers, spreader, roller, front-end loader less than 3 yds., tractors
 CLASS VI - Scrapers, graders, dozer pusher operator
 CLASS VII - Pippin type backhoe operator
 CLASS VIII - Maintenance engineer
 CLASS IX - Gas & electric driven heaters, pumps, concrete mixers, stone crusher, air compressor, light plants, welding machines, concrete pumps
 CLASS X - Test boring machine operator
 CLASS XI - Test boring machine assistant
 CLASS XII - Well point installation crews
 CLASS XIII - Operators of truck cranes with booms of 130 to 150 feet, operators of cat cranes with booms of 150 to 180 feet
 CLASS XIV - Operators of truck cranes with booms over 150 feet, operators of cat cranes with booms over 180 feet

DECISION NO. RI76-2151

RI-1-TD-2-3-L

HEAVY & HIGHWAY CONSTRUCTION

TRUCK DRIVERS

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS I	\$ 7.12	.6175	.65	a+b	
CLASS II	7.27	.6175	.65	a+b	
CLASS III	7.32	.6175	.65	a+b	
CLASS IV	7.42	.6175	.65	a+b	
CLASS V	7.52	.6175	.65	a+b	
CLASS VI	7.77	.6175	.65	a+b	
CLASS VII	8.02	.6175	.65	a+b	

CLASS I - Pick-up trucks, station wagons and Panel Trucks
 CLASS II - Two Axle, Helpers on Low Beds
 CLASS III - Three Axle Equipment and ready mix equipment
 CLASS IV - Four & Five Axle Equipment
 CLASS V - Low Bed Trailers, Special Earth moving equipment under 35 tons, Mechanics, Paving Restoration Vehicle & Vac Haul
 CLASS VI - Special Earth Moving Equipment over 35 tons
 CLASS VII - Trailers when used on a double hook-up (pulling 2 trailers)

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day;
 E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

- a. Holidays: A through F; Washington's Birthday, Columbus Day, Veteran's Day; V-J Day providing employee has worked at least one day in the calendar week in which the holiday falls.
- b. Employee who has been on payroll for 1 year or more but less than 5 years and has worked 150 days during the last year of employment shall receive: 1 week's vacation; 5 years or more - 2 weeks vacation.

NOTICES

50191

SUPERSEDES DECISION

STATE: Texas

COUNTIES: Collin, Dallas, Denton, Ellis, Grayson, Hood, Hunt, Johnson, Kaufman, Palo Pinto, Rockwall, Tarrant & Wise

DECISION NO.: TX76-4183
 Supersedeas Decision No. TX76-4085, dated May 21, 1976, in 41 FR 21144.
 DATE: Date of Publication
 DESCRIPTION OF WORK: Building construction (excluding single family homes and garden type apartments up to and including 4 stories) and also excluding Dallas-Fort Worth Regional Airport. (See current heavy & highway general wage determination for Paving & Utilities incidental to Building Construction).

	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
ASBESTOS WORKERS	\$ 9.38	.325	.685			.025
BOILERMAKERS	9.00	.50	1.00			.02
BRICKLAYERS & STONEMASONS:	6.80					
ZONE 1 - Grayson County						
ZONE 2 - Collin, Dallas, Denton, Ellis, Hood, Hunt, Johnson, Kaufman, Palo Pinto, Rockwall, Tarrant & Wise Counties						
CARPENTERS:	9.01	.45	.50			.04
ZONE 1 - Grayson County:						
Carpenters	9.025	.30	.30			.005
Millwrights	9.435	.30	.30			.005
Filedrivermen	9.525	.30	.30			.005
ZONE 2 - Collin, Dallas, Denton, Ellis, Hood, Hunt, Johnson, Kaufman, Palo Pinto, Rockwall, Tarrant & Wise Counties:						
Carpenters	9.41	.30	.30			.03
Millwrights	10.04	.30				.04
CEMENT MASONS:						
ZONE 1 - Grayson County	6.16					
ZONE 2 - Denton, Hood, Johnson, Palo Pinto, Tarrant & Wise Counties						
9.145	.25	.45				
ZONE 3 - Collin, Dallas, Ellis, Hunt, Kaufman & Rockwall Cos.	8.785	.55	.50			.01
ELECTRICIANS:						
ZONE 1 - Denton, Hood, Johnson, Palo Pinto, Tarrant & Wise Counties:						
Electricians	10.14	.41	5%			7/10%
Cable splicers	10.39	.41	5%			7/10%

DECISION NO. TX76-4183

ELECTRICIANS (CONT'D):
 ZONE 2 - Collin, Dallas, Ellis, Grayson, Hunt, Johnson, Kaufman, Rockwall Counties:
 AREA A - All work performed in Dallas & Grayson Counties:
 Electricians
 Cable splicers
 AREA B - All work performed outside of Dallas County up to a radius of 40 road miles from the City Hall in the City of Dallas:
 Electricians
 Cable splicers
 AREA C - All work performed outside of Area A & Area B:
 Electricians
 Cable splicers
 ELEVATOR CONSTRUCTORS
 ELEVATOR CONSTRUCTORS' HELPERS
 ELEVATOR CONSTRUCTORS' HELPERS (PROB.)
 GLAZIERS:
 Collin, Dallas, Denton, Ellis, Hood, Hunt, Johnson, Kaufman, Palo Pinto, Rockwall, Tarrant & Wise Counties
 IRONWORKERS:
 LABORERS:
 ZONE 1 - Grayson County:
 GROUP 1 - Unskilled laborers
 GROUP 2 - Air tool operator (Jackhammer, vibrator), mason tenders & mortar mixers, pipelayers
 ZONE 2 - Collin, Dallas, Denton, Ellis, Hood, Hunt, Johnson, Kaufman, Palo Pinto, Rockwall, Tarrant & Wise Counties:
 GROUP 1
 GROUP 2
 GROUP 3
 GROUP 4

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
\$10.15	4%	5%			7/10%
11.12	4%	5%			7/10%
10.40	4%	5%			7/10%
11.44	4%	5%			7/10%
10.65	4%	5%			7/10%
11.72	4%	5%			7/10%
9.33	.545	.35	4% ^a 4% ^b		.02
70%JR	.545	.35	4% ^a 4% ^b		.02
50%JR					
8.69	.40	.40			.025
8.60	.55	.85			.07
6.02	.275	.30			
6.27	.275	.30			
6.02	.275	.30			.02
6.17	.275	.30			.02
6.27	.275	.30			.02
6.42	.275	.30			.02

DECISION NO. TX 76-6183

DECISION NO. TX 76-4183

LABORERS CLASSIFICATION DEFINITIONS

GROUP 1 - All hand digging dirt work and backfilling; firing of salamanders, loading and unloading of materials to and from hoist or cages; loading and unloading of tools and equipment; wheeling, placing and pouring of concrete; all excavation; handling of lumber, steel, cement; distribution of all materials; miscellaneous job clean-up; wrecking and razing of buildings and all structures; cleaning and clearing of all debris; handling of broken concrete or other damaged or undamaged materials; removing, moving, handling and greasing of forms, wrecking forms; storing materials to storage place; slip form jacks, scaffold builders, checking materials and tools in and out of receiving lots and sheds; tool house man; landscaper; asphalt ironer and raker; waterproofing tender; dumper; spotter; concrete pumpcrete pipe (handling and laying); carpenter tender

GROUP 2 - All power tool and equipment operators (gas, electric or air); cutting torches man; concrete graderman; power buggy operator; wagon drill operator, well driller, drilling rig tender; cement finisher tender; metal pan and steel form men; handling creosoted materials; liquid acids or like materials when injurious to health, eyes, skin or clothes; all newly developed equipment which replaces wheelbarrows or buggies previously used by laborers, scale men on batch plants

GROUP 3 - Concrete and clay pipe (handling & laying); mason handler; scaffold builder; mason tender; hod carriers mortar mixers; lather tenders, plaster tenders; water pump operators up to four inches; cement mason tenders; mortar mixers; hod carriers; dry mixers; tank cleaning; all pipe doping, treating and wrapping, including all men working with dope, mortar and plaster mixing machines, grout machines; pumpcrete machines, gunite mixing machines, including placing and cleaning of pipe and conduits used in placing of concrete, handling and placing of gunite materials from stockpiles, screening sand, running sand dryer and loading and operating sand blaster, except nozzle, conveying, stocking and handling of all materials for brick masons, lathers, cement finishers, plasterers; ditch work over 6 feet and cleaning out drill piers

GROUP 4 - Sand blaster, blaster powderman; Gunite worker; gunite nozzle man and terrazzo grinder

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vocation		
\$ 9.78					.04

LATHERS

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.	
	H & W	Pensions	Vocation		
LINE CONSTRUCTION:					
\$10.96		1%		1/2%	
12.06		1%		1/2%	
6.58		1%		1/2%	
7.12		1%		1/2%	
7.67		1%		1/2%	
MARBLE SETTERS:					
7.90					
8.30					
7.40					
PAINTERS:					
8.525	.35	.40		.04	
8.775	.35	.40		.04	
8.65	.35	.40		.04	
8.90	.35	.40		.04	
9.495		.20		.02	
9.745		.20		.02	
9.495		.20		.02	
10.745		.20		.02	

DECISION NO. TX76-4183

PAINTERS (ZONE 2) CLASSIFICATION DEFINITIONS					
	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
<u>GROUP 1 - Brush</u>					
<u>GROUP 2 - Spray; Wallcovering; Pressure roller; Sandblasting; Structural steel; Bosun chair, Window jack & window sill; Stage; Firescape; Steel storage tanks; Stilts; Mittens; Ames tools; Drywall finishing</u>					
<u>GROUP 3 - On jobs requiring less than six 250 foot rolls of joint tape, or less than eight man hours of bedding time the drywall finishing rate will be</u>					
<u>GROUP 4 - Steeple jack rate (radio and TV towers, smoke stacks, chimneys and water towers, and similar facilities and flag poles atop buildings located closer to the edge of the building than the height of the pole); Toxic material rate (cresote, coal tar products or similar materials injurious to the skin)</u>					
<u>PLASTERERS:</u>					
<u>ZONE 1 - Grayson County</u>	\$ 6.05				
<u>ZONE 2 - Collin, Dallas, Ellis, Hunt, Kaufman & Rockwall Cos.</u>	8.94	.35		.50	.03
<u>ZONE 3 - Denton, Hood, Johnson, Palo Pinto, Tarrant & Wise Cos.</u>	9.81				.01
<u>PLUMBERS & STEAMFITTERS</u>	9.53	.43	.90		.10
<u>ROOFERS:</u>					
<u>ZONE 1 - Collin, Dallas, Ellis, Grayson, Hunt, Kaufman & Rockwall Counties:</u>					
<u>GROUP 1 - Slate & tile built-up roofing, damp proofing & bituminous waterproofing</u>	8.615				
<u>ZONE 2 - Denton, Hood, Johnson, Palo Pinto, Tarrant & Wise Cos.:</u>	8.465				
<u>GROUP 1 - Slate, tile, asbestos roofing & siding</u>	8.565				.05
<u>GROUP 2 - Composition, built-up, damp & water proofing, kettlemen</u>	8.415				.05
<u>SHEET METAL WORKERS:</u>					
<u>ZONE 1 - Collin, Dallas, Ellis, Grayson, Hunt, Kaufman & Rockwall Counties</u>	9.375	.45	.66		.055
<u>ZONE 2 - Denton, Hood, Johnson, Palo Pinto, Tarrant & Wise Cos.</u>	9.705	.45	.30		.055

DECISION NO. TX76-4183

	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
POWER EQUIPMENT OPERATORS (CONT'D):						
ZONE 2 - Collin, Denton, Ellis, Grayson, Hood, Hunt, Johnson, Kaufman, Palo Pinto, Rockwall, Tarrant & Wise Counties:						
GROUP 1	\$ 7.515	.40	.75			.10
GROUP 2	8.30	.40	.75			.10
GROUP 3	8.70	.40	.75			.10

POWER EQUIPMENT OPERATORS (ZONE 2) CLASSIFICATION DEFINITIONS

GROUP 1 - Oilier-Fireman

GROUP 2 - Air Compressors, Pumps, Welding Machines, Throttle Valves, Light Plants; Conveyor; Vagon Drill; Elevators Building; Form Graders; Hoist, Single Drum; Ford Tractor including blade and mower on rear; Mixers less than 14 cubic feet; Screening Plants; Crushing Plants; Fork Lifts (short, under 25 feet); Concrete Pumps (all types); Robcat type equipment; All other equipment of similar nature coming under the Light Equipment Classification, when power operated

GROUP 3 - Ford Tractor or like with any attachments (except blade and mower on rear); Drilling Machines (all types); Scoopmobs; Hoists, two drums or more; Forklifts (over 25 ft.); Winch Truck; Six Wheel Truck, when used continuously for 5 days; Mixermobile; Locomotives; Mixers, 14 cubic ft. or over; Blade Graders, self-propelled; Cableways; Cranes-power operated to 100 ft.; Derricks, power operated (all types); Grapple; Hy-Ho; Hop-Ro; Paving Mixers (all types); Pile Drivers; Mobile Concrete Mixers over 14 cu. ft.; Bulldozers, Loaders, Tractovators; Scrapers and Pulls; Welders; Trenching Machines; Roller, ten tons or over; Air Compressor & Air tugger; Boilers, two or more fired by one man; Heavy Duty Mechanic; All other equipment of similar nature coming under the Heavy Equipment Classification, when power operated

DECISION NO. TX76-4183

	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
POWER EQUIPMENT OPERATORS:						
ZONE 1 - Dallas County:						
GROUP 1	\$ 7.665	.40	.70			
GROUP 2	8.45k	.40	.70			
GROUP 3	8.85k	.40	.70			

POWER EQUIPMENT OPERATORS (ZONE 1) CLASSIFICATION DEFINITIONS

GROUP 1 - Oilers

GROUP 2 - Air compressor, water pumps, welding machines (2 to 6 machines) & generators; Blade Grader, towed; Flex plane; Form grader; Concrete mixer, less than 14 cu. ft.; Pulsometer; Wagon drill operator; Conveyor; Hoist, single drum; Scraper, 3 cu. yd. or less; Bob cat with loader; All other equipment of similar nature coming under the light equipment class, when power operated

GROUP 3 - Heavy duty mechanic; Asphalt mixer operator on job; Blade grader, self-propelled; Bull clam; Backfiller; Bulldozer & all cat type tractors; Backhoe; Concrete mixers, over 14 cu. ft.; Crusher operator on job; Concrete batch plant operator; Clam shell; Cranes (all types); Truck mounted or crawler requires oiler including groves (hydraulic) or similar type over 12½ ton capacity; Escalated rate on crane and derricks booms: .01c per hour, per foot over 90' including jib; draglines; derricks, power operated (all types); DM-10 caterpillar, S-8 Euclid and similar tractors; Elevating grader, self-propelled; Foundation drilling machine (all); Forklifts, used in handling machinery on construction; Grapple; Hoist, motor driven, 2 drums or more; Locomotive crane; Mixmobile; Paving mixers (all types); Pile drivers; Pumpcrete machines; Pneumatic rollers, self-propelled; Shovels, power operated; Scrapers, over 3 cu. yds.; Scoopmobile; Trenching machine, all types; Winch trucks, when pole and winch is used; Water well drilling machines, used on construction; Well point pumps; Welding machines (7 to 13 machines); All other equipment of similar nature coming under heavy equipment class, when power operated

[FR Doc.76-33016 Filed 11-11-76; 8:45 am]

federal register

FRIDAY, NOVEMBER 12, 1976



PART IV:

JAPAN-UNITED STATES FRIENDSHIP COMMISSION

■

PRIVACY ACT OF 1974

Systems of Records

JAPAN-UNITED STATES FRIENDSHIP COMMISSION PRIVACY ACT OF 1974 Systems of Records

Pursuant to the provisions of the Privacy Act of 1974, Public Law 93-579, 5 U.S.C. 552a, the Japan-United States Friendship Commission, hereafter known as the Commission, hereby publishes for comment those systems of records subject to the Privacy Act of 1974 which are maintained by the Commission. Any person interested in commenting on the routine use portions of the system notices may do so by submitting comments in writing to the Executive Director, Francis B. Tenny, 1875 Connecticut Avenue, NW., Washington, D.C. 20009. Comments should be submitted on or before December 13, 1976. These Systems of Records will become effective December 13, 1976, unless the Commission publishes notice to the contrary. The Commission's procedures for access to records in the systems are proposed as 22 CFR Chapter XII, Part 1200. (See Federal Register of Wednesday, November 10, 1976).

Dated at Washington, D.C. on November 3, 1976 (P. 49647).

Francis B. Tenny,
Executive Director.

JUSFC-1

System name: Payroll Records—Japan-United States Friendship Commission

System location: General Services Administration, Region 3 Office; copies held by the Commission. (GSA holds records for the Japan-United States Friendship Commission under contract.)

Categories of records in the system: Varied payroll records, including, among other documents, time and attendance cards; payment vouchers; comprehensive listing of employees; health benefits records; requests for deductions; tax forms, W-2 forms, overtime requests; leave data; retirement records. Records are used by Commission and GSA employees to maintain adequate payroll information for Commission employees, and otherwise by Commission and GSA employees who have a need for the record in the performance of their duties.

Authority for maintenance of the system: 31 U.S.C., generally. Also, Public Law 94-118.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See Appendix. Records also are disclosed to GAO for audits; to the Internal Revenue Service for investigation; and to private attorneys, pursuant to a power of attorney.

A copy of an employee's Department of the Treasury Form W-2, Wage and Tax Statement, also is disclosed to the State, city, or other local jurisdiction which is authorized to tax the employee's compensation. The record will be provided in accordance with a withholding agreement between the State, city, or other local jurisdiction and the Department of the Treasury pursuant to 5 U.S.C. 5516, 5517, or 5520, or, in the absence thereof, in response to a written request from an appropriate official of the taxing jurisdiction to the Assistant Executive Director, Japan-United States Friendship Commission, 1875 Connecticut Avenue, NW., Washington, D.C. 20009. The request must include a copy of the applicable statute or ordinance authorizing the taxation of compensation and should indicate whether the authority of the jurisdiction to tax the employee is based on place of residence, place of employment, or both.

Pursuant to a withholding agreement between a city and the Department of the Treasury (5 U.S.C. 5520), copies of executed city tax withholding certificates shall be furnished the city in response to written request from an appropriate city official to the Assistant Executive Director.

In the absence of a withholding agreement, the Social Security Number will be furnished only to a taxing jurisdiction which has furnished this agency with evidence of its independent authority to compel disclosure of the Social Security Number, in accordance with Section 7 of the Privacy Act, Public Law 93-579.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper and microfilm.

Retrievability: Social Security Number.

Safeguards: Stored in guarded building; released only to authorized personnel.

Retention and disposal: Disposition of records shall be in accordance with the HB GSA Records Maintenance and Disposition System (OAD P 1820.2).

System manager(s) and address: Assistant Executive Director, Japan-United States Friendship Commission, 1875 Connecticut Avenue, NW., Washington, D.C. 20009.

Notification procedure: Refer to Commission access regulations contained in 22 CFR Chapter XII.

Record access procedures: Refer to Commission access regulations contained in 22 CFR Chapter XII.

Contesting record procedures: Refer to Commission access regulations contained in 22 CFR Chapter XII.

Record source categories: The subject individual; the Commission.

JUSFC-2

System name: General Financial Records—Japan-United States Friendship Commission

System location: General Services Administration, Central Office; copies held by the Commission. (GSA holds records for the Japan-United States Friendship Commission under contract.)

Categories of individuals covered by the system: Employees of the Japan-United States Friendship Commission and members of its Commission.

Categories of records in the system: SF-1038, Application and account for advance of funds; Vendor register and vendor payment tape. Information is used by accounting technicians to maintain adequate financial information and by other officers and employees of GSA and the Commission who have a need for the record in the performance of their duties.

Authority for maintenance of the system: 31 U.S.C., generally; also, Public Law 94-118.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See appendix. Records also are released to GAO for audits; to the IRS for investigation; and to private attorneys, pursuant to power of attorney.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper and tape.

Retrievability: Manual and automated by name.

Safeguards: Stored in guarded building; released only to authorized personnel.

Retention and disposal: Disposition of records shall be in accordance with the HB GSA Records Maintenance and Disposition.

System manager(s) and address: Assistant Executive Director, Japan-United States Friendship Commission, 1875 Connecticut Avenue, NW., Washington, D.C. 20009.

Notification procedure: Refer to Commission access regulations contained in 22 CFR Chapter XII.

Record access procedures: Refer to Commission access regulations contained in 22 CFR Chapter XII.

Contesting record procedures: Refer to Commission access regulations contained in 22 CFR Chapter XII.

Record source categories: The subject individual; the Commission.

JUSFC-3

System name: General Informal Personnel Files—Japan-United States Friendship Commission

System location: Japan-United States Friendship Commission, 1875 Connecticut Avenue, NW., Washington, D.C. 20009.

Categories of individuals covered by the system: The Commission members, staff and consultants, past and present.

Categories of records in the system: Personnel action requests and notifications, statements of employment and financial interests, training material and correspondence with members of the Commission, 7-B cards, delegations of authority.

Authority for maintenance of the system: Title 5, U.S.C., generally. Also Public Law 94-118.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See Appendix.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper.

Retrievability: Manual.

Safeguards: Stored in lockable file cabinets, released only to authorized personnel.

Retention and disposal: Disposition of records shall be in accordance with the GSA records maintenance and disposition system.

System manager(s) and address: Assistant Executive Director, Japan-United States Friendship Commission, 1875 Connecticut Avenue, NW., Washington, D.C. 20009.

Notification procedure: Refer to Commission access regulations contained in 22 CFR Chapter XII.

Record access procedures: Refer to Commission access regulations contained in 22 CFR Chapter XII.

Contesting record procedures: Refer to Commission access regulations contained in 22 CFR Chapter XII.

Record source categories: The subject individual; the Commission.

APPENDIX—Japan-United States Friendship Commission

In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

A record from this system of records may be disclosed as a "routine use" to a federal, state or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the

letting of a contract or the issuance of a license, grant or other benefit.

A record from this system of records may be disclosed to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision in the matter.

A record from this system of records may be disclosed to an authorized appeal grievance examiner, formal complaints examiner, equal employment opportunity investigator, arbitrator or other duly authorized official engaged in investigation or settlement or a grievance, complaint, or appeal filed by an employee. A record from this system of records may be disclosed to the United States Civil Service Commission in accordance with the agency's responsibility for evaluation and oversight of federal personnel management.

A record from this system of records may be disclosed to officers and employees of a federal agency for purposes of audit.

The information contained in this system of records will be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A-19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

A record from this system of records may be disclosed as a routine use to a Member of Congress or to a congressional staff member in response to an inquiry of the congressional office made at the request of the individual about whom the record is maintained.

A record from this system of records may be disclosed to officers and employees of the General Services Administration in connection with administrative services provided to this agency under agreement with GSA.

[FR Doc.76-32983 Filed 11-5-76;10:34 am]

Just Released

CODE OF FEDERAL REGULATIONS

(Revised as of October 1, 1976)

<u>Quantity</u>	<u>Volume</u>	<u>Price</u>	<u>Amount</u>
_____	Title 49—Transportation (Parts 1300—End)	\$3. 60	\$ _____

[A Cumulative checklist of CFR issuances for 1976 appears in the first issue of the Federal Register each month under Title 1]

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